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URBAN
MUNICIPAL

BY-LAWS OF THE CITY OF
HAMILTON

03-060 03-120

THE CITY OF HAMILTON

BY-LAW NO. 03-060

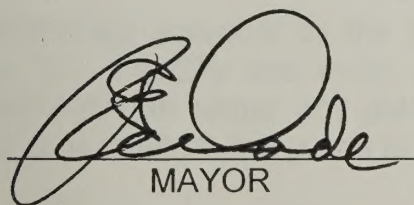
To Confirm the Proceedings of City Council at its special meeting held on March 6, 2003

THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:

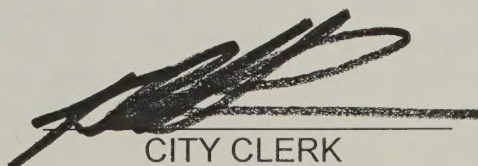
1. The Action of City Council at its meeting held on the 6th day of March, 2003 in respect of each recommendation contained in the Committee of the Whole,

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.
2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED and ENACTED this 6th day of March, 2003



MAYOR



CITY CLERK

Authority: Item 1, Hearings Sub-Committee
Report 02-035 (PD02205)
CM: November 13, 2002

Bill No. 061

CITY OF HAMILTON

BY-LAW NO. 03-061

To Exempt Certain Lands from the Setback Provisions of By-Law No. 2613 of the Former County of Wentworth

WHEREAS the Council of the County of Wentworth did pass on the 20th day of March, 1973, By-law No. 2613, pursuant to the provisions of Section 99(4) of the Public Transportation and Highway Improvement Act, R.S.O., 1970, Chapter 201, as amended, to fix and determine the distance from the centreline of all County Roads within which to owner of any adjacent land is not to construct any building or structure;

AND WHEREAS pursuant to Section 31 of The Regional Municipality of Hamilton Act, R.S.O. 1980, Chapter 437, as amended, the Regional Corporation has in respect of the lands included within the regional road system, all the rights, powers and benefits and advantages conferred upon the Corporation of the County of Wentworth;

AND WHEREAS pursuant to the City of Hamilton, Act, 1999, S.O. 1999, Ch. 14, Schedule "C", every by-law or resolution of the Regional Municipality of Hamilton-Wentworth that is in force on December 31, 2000 shall be deemed to be a by-law or resolution of the new City of Hamilton City Council on January 1, 2001, and remains in force, in respect of the part of the municipal area to which it applied on December 31, 2000, until it expires or is repealed or amended or amended to provide otherwise;

AND WHEREAS pursuant to the City of Hamilton, Act, 1999, S.O. 1999, Ch. 14, Schedule "C", the City has every power and duty of The Regional Municipality of Hamilton-Wentworth under any general or special Act, in respect of the part of the municipal area to which the power or duty applied on December 31, 2000;

AND WHEREAS the City of Hamilton Council considers it desirable and expedient to exempt certain lands located on the east and west sides of Fletcher Road in the former Township of Glanbrook from the provisions of the aforesaid By-law 2613 requiring a setback of 21.3 metres from the centreline of construction of Fletcher Road to allow development in accordance with Subdivision Applications 25T-200207 and 25T-200208, located between Rymal Road East and the Ontario Hydro corridor.



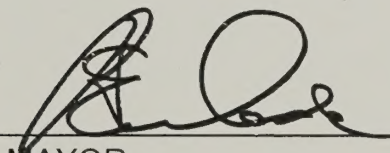
Digitized by the Internet Archive
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Hamilton Public Library

<https://archive.org/details/32022213348655>

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Notwithstanding the provisions of By-law No. 2613 of the former County of Wentworth, all structures to be constructed as part of the proposed draft plans of subdivision 25T-200207 and 25T-200208 described in Column 1 of Schedule "A" hereto attached, and shown on the Location Map of Schedule "B" hereto attached, having a minimum setback indicated in Column 2, from the centreline of construction of Fletcher Road for the highway indicated in Column 3, shall be deemed to be not in contravention of the provisions of Section 3(1) of the aforesaid By-law.
2. Schedules "A" and "B" to this By-Law form part of this By-law.
3. This By-law shall come into force and effect on the date of its passing and enactment.

PASSED and ENACTED this 26th day of March, 2003.



MAYOR



CLERK

SCHEDULE "A" TO BY-LAW NO. 03-061

COLUMN 1

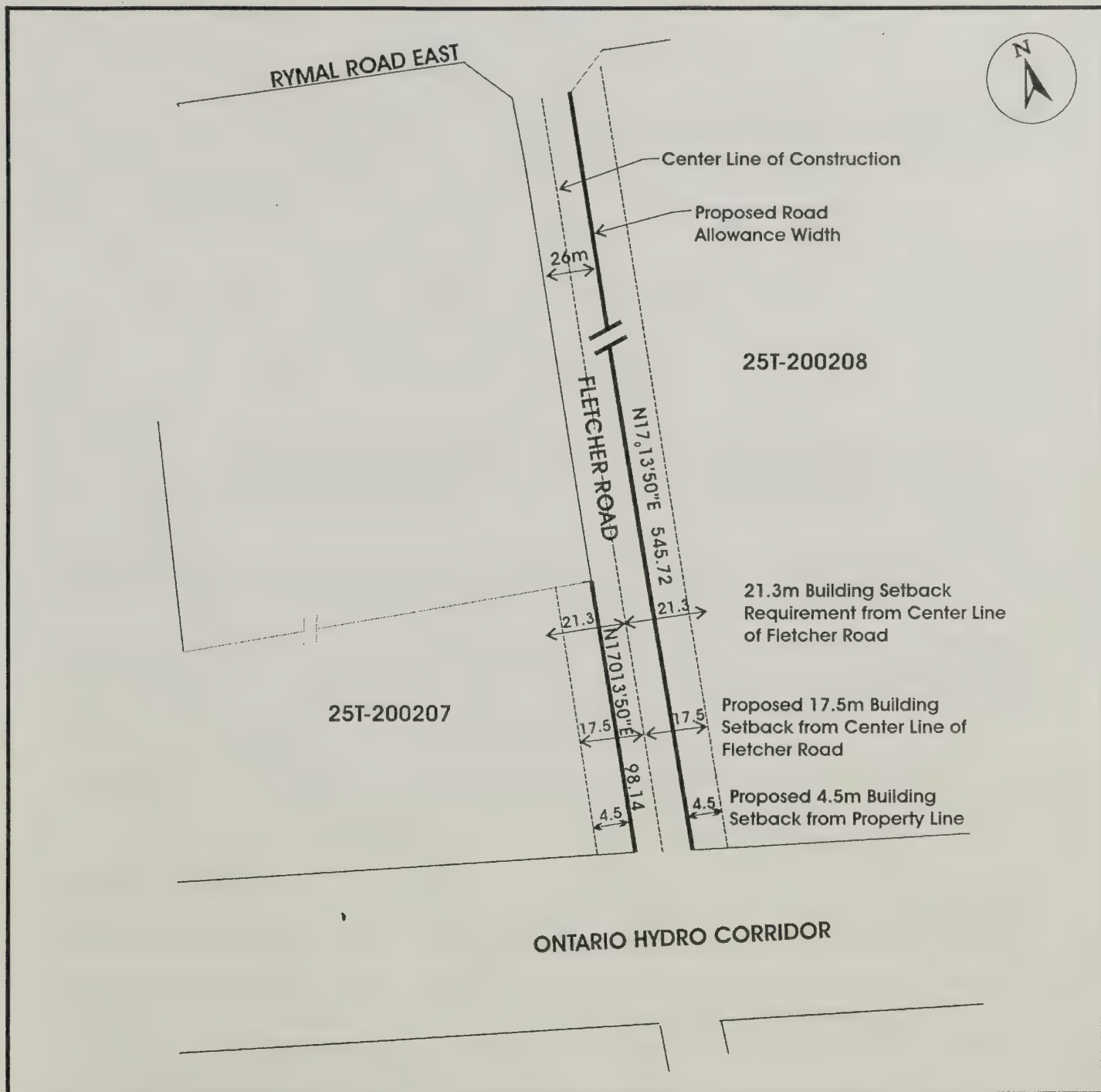
COLUMN 2

COLUMN 3

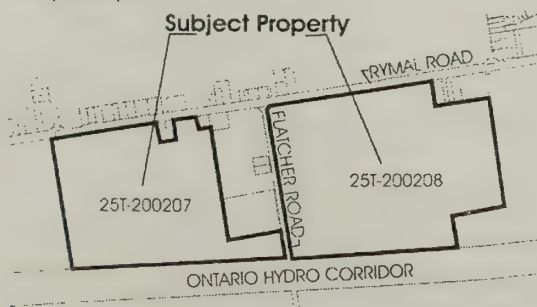
Description of Lands

Parts of Lots 4 and 5, Block 4
and Parts of Lots 6 and 7,
Block 5, Concession 1, in the
former Township of
Glanbrook, and more
particularly described on
Appendix "B" to this By-law

Fletcher Road



Key Map



Schedule "B" Map Forming
Part of By-law No. 03-

PLANNING AND DEVELOPMENT DEPARTMENT

Location Plan

Setback By-Law No. 2613 Exemption: east and west Sides of Fletcher's Road, between Rymal Road East and the Ontario Hydro Corridor for land within Subdivision Applications 25T-200207 and 25T-200208.

— Frontage to which setback exemption applies



Hamilton

Filename/number
25T-200207/25T-200208

Date
January 13, 2003

Technician:
NM

Map Not to Scale

Schedule "B"

Authority: Item 5, Hearings Sub-Committee
Report 01-029 (PD01086(A))
CM: November 13, 2001

Bill No. 062

CITY OF HAMILTON

BY-LAW NO. 03-062

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands Located at Municipal No. 24 Lake Avenue Drive

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Stoney Creek passed Zoning By-law No. 3692-92 (Stoney Creek) on the 8th day of December, 1992, which by-law was approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS the Council of the City of Hamilton, in adopting Section 5 of Report 01-029 of the Hearings Sub-Committee at its meeting held on the 13th day of November 2001, recommended that Zoning By-law No. 3692-92 (Stoney Creek), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Map No. 5 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Multiple Residential "RM1" Zone to the Multiple Residential "RM1-3" Zone, the lands comprised of 24 Lake Avenue Drive, the extent of boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Subsection 6.8.4, "Special Exemptions" of Section 6.8, Multiple Residential "RM1" Zone, of Zoning By-law 3692-92, be amended by adding a new special exemption, "RM1-3", to include the following:

RM1-3 24 Lake Avenue Drive, Schedule "A", Map No. 5

Notwithstanding the uses permitted in Section 6.8.2 of the Multiple Residential "RM1" Zone, on those lands zoned "RM1-3", a maximum of 7 dwelling units shall be permitted in accordance with the provisions of Subsection 6.8.3 (d).

Notwithstanding the provisions of Subsection 6.8.3 (d) 4., a minimum southerly side yard setback of 0.55 metres shall be permitted for a single detached dwelling.

Notwithstanding the provisions of Subsection 6.8.3 (d) 8., a minimum of 10 parking spaces, including 1 space in the front yard, shall be provided and maintained.

Notwithstanding the provisions of Subsection 6.1.8, paragraphs (c) and (e), parking spaces may be located within 1.95 metres of the southerly side lot line and a two-way driveway may have a minimum width of 5.0 metres.

Notwithstanding the provisions of Subsection 6.1.8, paragraph (c), parking spaces may be located within 1.47 metres of the rear lot line.

Notwithstanding the provisions of Subsection 4.19.1, paragraph (d), a deck being 0.57 metres in height shall be permitted in the required northerly side yard."

3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

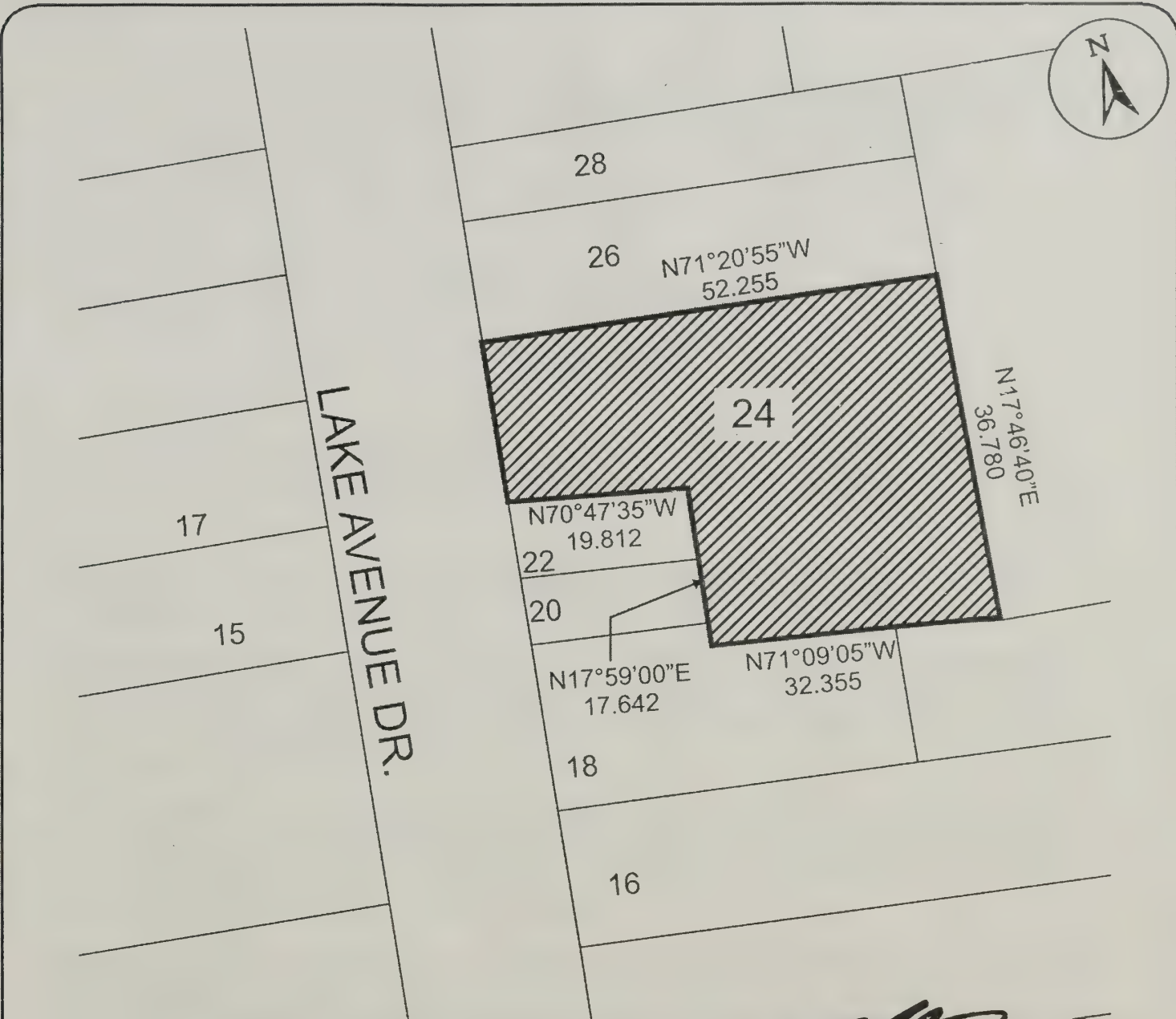
PASSED and ENACTED this 26th day of March, 2003.



MAYOR

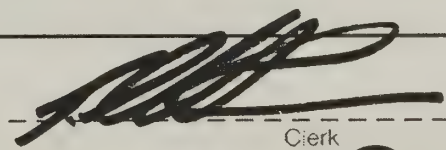


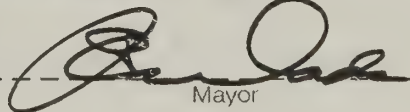
CLERK



This is Schedule "A" to By-Law No. 03—062

Passed the 26th day of March, 2003


Clerk


Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-062
to Amend By-Law No. 3692-92



Hamilton

Planning and Development Department

Legend



Subject Property

24 Lake Avenue Drive (former Stoney Creek)
Change in Zoning from
Multiple Residential "RM1" Zone to
Multiple Residential "RM1-3" Zone

North



Scale

NOT TO SCALE

Date

March 4, 2003

Reference File No.

ZAC-01-12

Drawn By

CL

Authority: Item 5, Committee of the Whole
Report 03-007 (PD03053)
CM: March 26, 2003

Bill No. 063

CITY OF HAMILTON

BY-LAW NO. 03-063

**To Amend Zoning By-law No. 6593, as amended by Zoning By-law No. 02-188,
Respecting Lands Located at 1588 Upper James Street**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 5 of Report 03-007 of the Committee of the Whole at its meeting held on the 26th day of March, 2003, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 02-188 (Hamilton), passed on the 9th of July, 2002, to the "HH"-H' (Restricted Community Shopping and Commercial, etc. - Holding) District, respecting the lands the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 02-188 (Hamilton) and forming part thereof, is hereby removed, and the

development of lands may proceed in accordance with the "HH" (Restricted Community Shopping and Commercial, etc.) District provisions of Zoning By-law No. 6593 (Hamilton), subject to the special requirements referred to in By-law No. 02-188 (Hamilton).

2. Sheet No. W-9D of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended by By-law No. 02-188, is further amended, by changing from "HH"-H' (Restricted Community Shopping and Commercial, etc. - Holding) District, modified, to "HH" (Restricted Community Shopping and Commercial, etc.) District, modified, the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this By-law.
3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "HH" (Restricted Community Shopping and Commercial, etc.) District provisions, subject to the special requirements referred to in section 3 of By-law No. 02-188.
4. By-law No. 6593 (Hamilton) is amended by adding this by-law to section 19B as Schedule S-1465a.
5. Sheet No. E-27 of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1465a.
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

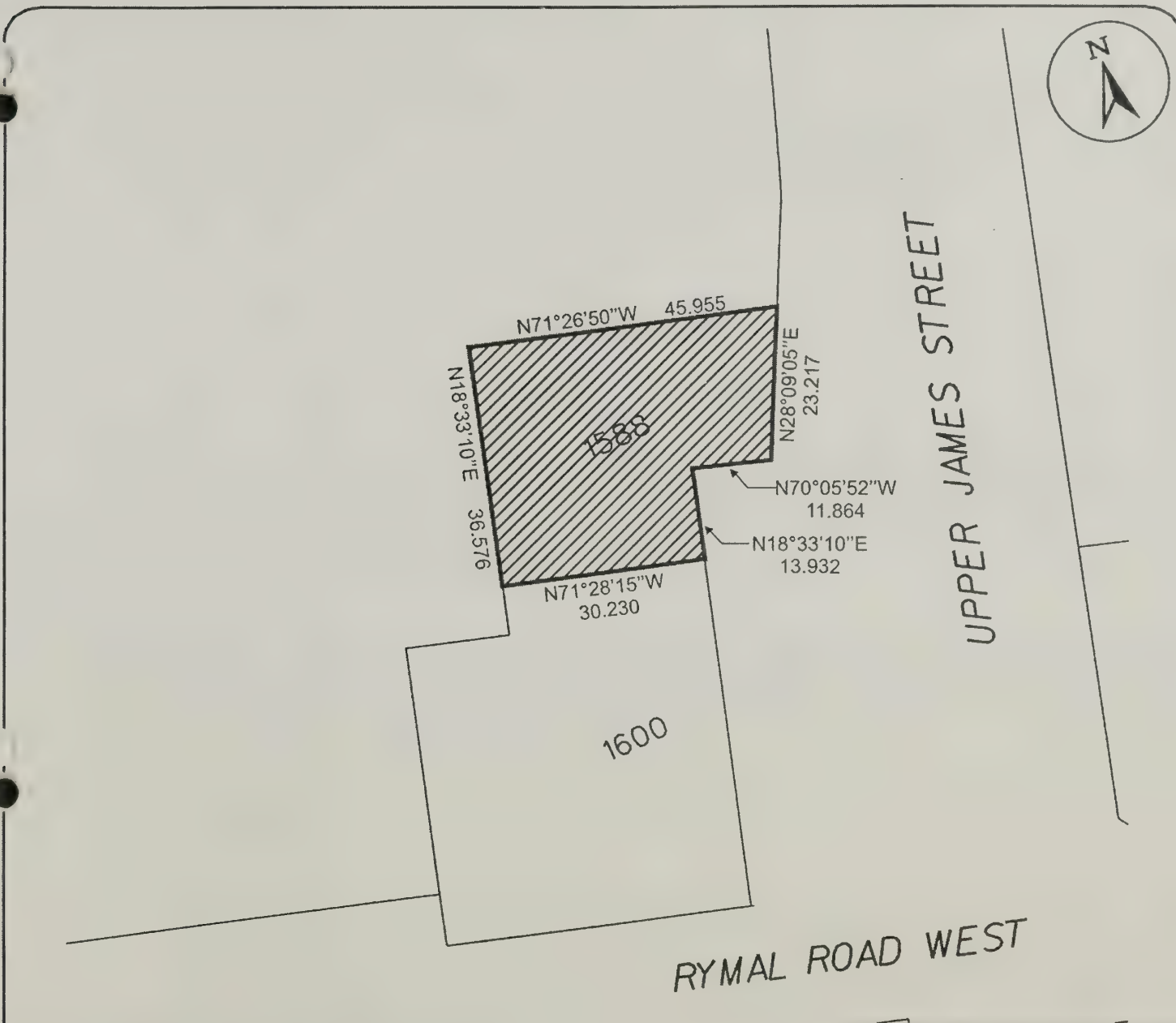
PASSED and ENACTED this 26th day of March, 2003.



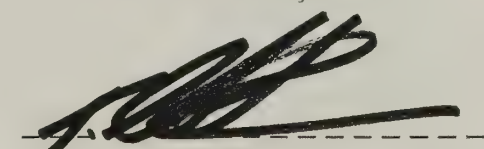
MAYOR



CLERK



This is Schedule "A" to By-Law No. 03-063.....
 Passed the 26th day of March....., 2003.


 Clerk


 Mayor

City of Hamilton

Schedule "A"

Map Forming Part of
 By-Law No. 03-063

to Amend By-Law No. 6593

Planning and Development Department

Legend



Subject Property
 Removal of the Holding "H" Symbol from
 the "HH"-H (Restricted Community
 Shopping and Commercial, Etc.) District,
 Modified Zoning

North 	Scale NOT TO SCALE	Reference File No. ZAR-02-77
	Date December 6, 2002	Drawn By MC

Authority: Item 10. Committee of the Whole
Report 03-007 (PD03058)
CM: March 26, 2003

Bill No. 064

CITY OF HAMILTON

BY-LAW No. 03-064

To Establish Interim Control Zoning Respecting LANDS ZONED K including all exceptions within those zones under the City of Hamilton Zoning By-law 6593 as amended within the Barton Street and Tiffany Street Industrial Area as more particularly shown on Schedule A to this By-law

WHEREAS subsection 38 of the *Planning Act*, R.S.O. 1990 c.P. 13 as amended permits Council of a municipality to pass an interim control by-law where the Council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas thereof;

AND WHEREAS subsection 38(1) of the *Planning Act*, R.S.O. 1990 c.P. 13 as amended provides as follows:

38. (1) Where the council of a local municipality has, by by-law or resolution, directed that a review or study be undertaken in respect of land use planning policies in the municipality or in any defined area or areas thereof, the council of the municipality may pass a by-law (hereinafter referred to as an interim control by-law) to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of land, buildings or structures within the municipality or within the defined area or areas thereof for, or except for, such purposes as are set out in the by-law.

AND WHEREAS the land which is the subject of this By-law was, as of January 1st, 2001 placed within the jurisdiction of the City of Hamilton, a new municipality incorporated as of January 1, 2001 by the *City of Hamilton Act, 1999* (S.O. 1999, Chapter 14, Schedule C);

AND WHEREAS a land use study is necessary in order to determine the appropriate land uses within the Barton Street and Tiffany Street Industrial Area more particularly shown on Schedule "A" attached hereto;

**By-law to establish Interim Control Zoning
Respecting LANDS ZONED K within the
Barton Street and Tiffany Street Industrial Area**

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. It is hereby directed that a planning study be undertaken in respect of the land use policies in the area described in Schedule "A" attached hereto.
2. Except for such lawful uses as the land is being used on the date of passing this by-law, no person shall use any land, building or structure shown on the plan hereto attached and identified as Schedule "A" for any uses permitted in the "K" District.
3. This By-law shall be in effect for a period of one year from the date of passing this by-law.
4. By-law No. 6593 is amended by adding this by-law to Section 19B as Schedule S-1482.
5. Sheet Nos. W- 3, W-11. W-20 and W-21 of the District Maps is amended by marking the subject lands, S-1482.
6. The Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

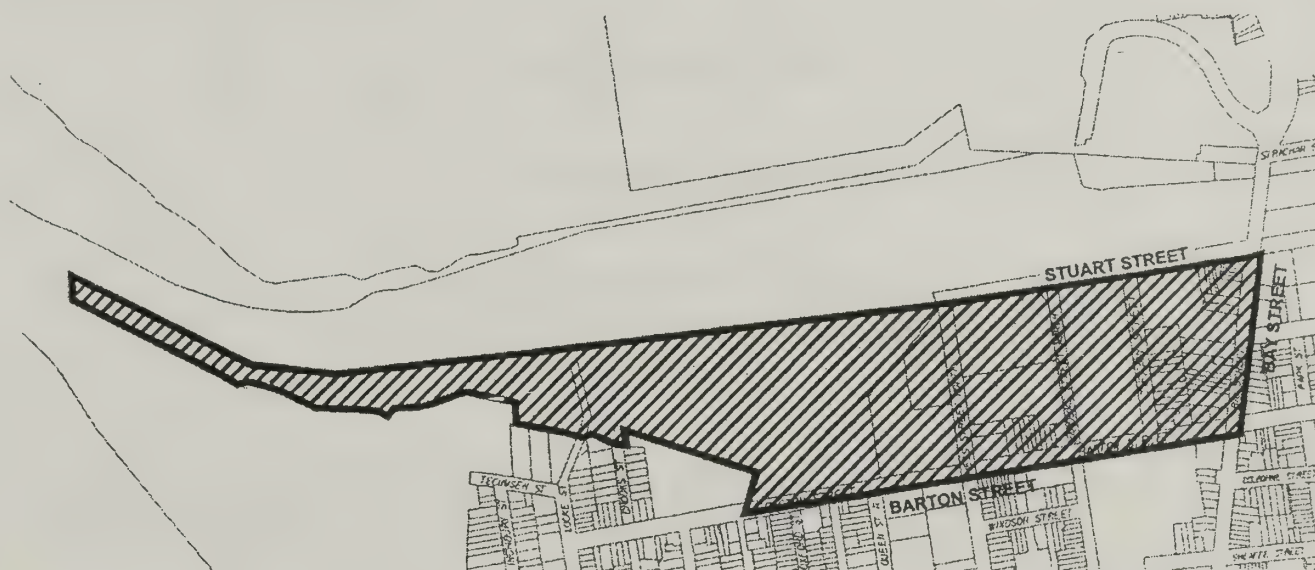
PASSED and ENACTED this 26th day of March, A.D. 2003.



MAYOR

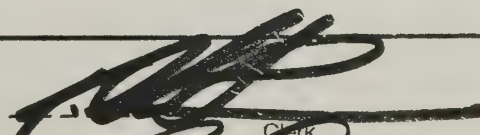
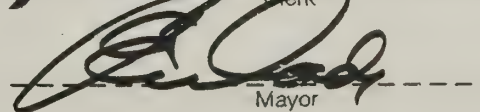


CLERK



This is Schedule "A" to By-Law No. 03-064

Passed the26th.. day of ..March....., 2003


Clerk

Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-064
to Amend By-Law No. 6593

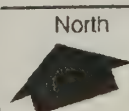


Planning and Development Department

Legend



Subject Property



North

Scale
NOT TO SCALE

Date
January 31, 2003

Reference File No.
BAY AND BARTON ST.

Drawn By
LC

Bill No. 065

CITY OF HAMILTON

BY-LAW NO. 03-065

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 1275 Rymal Road East**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 2 of Report 03-010 of the Hearing Sub Committee at its meeting held on the 26th day of March, 2003, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

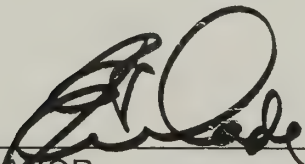
AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The "M-12" (Prestige Industrial) District provisions, as contained in Section 17D of Zoning By-law No. 6593, applicable to the lands, the extent boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that,

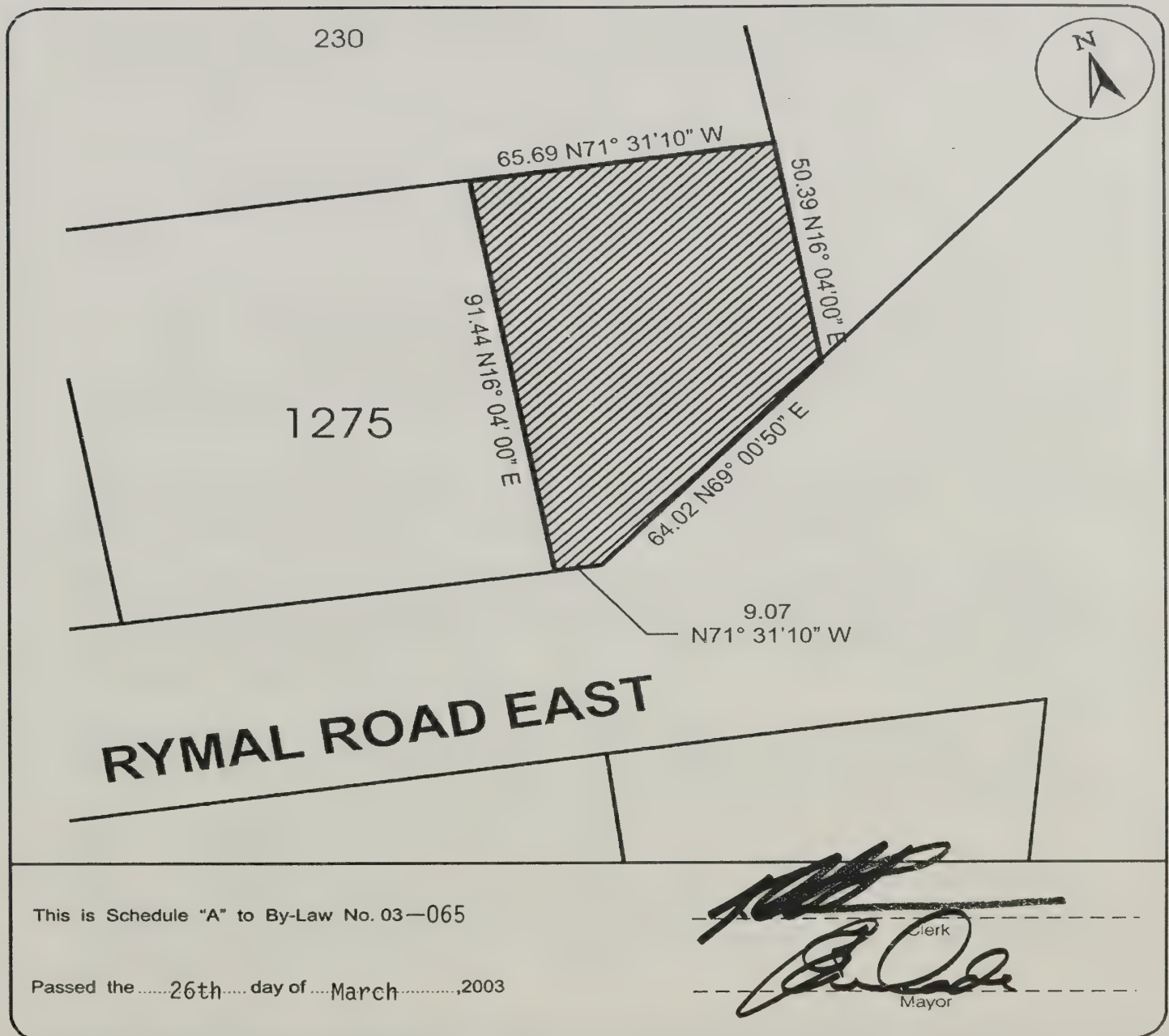
- (a) notwithstanding Section 17D.(1) of Zoning By-law No. 6593, the production and wholesaling of sausages, excluding any curing, cooking or smoking, even as an accessory use to the production, to be located in the building existing at the time of the passing of the by-law, and not exceeding 825m² in floor area, shall also be permitted.
2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "M-12" District provisions, subject to the special requirements referred to in section 1.
 3. By-law No. 6593 (Hamilton) is amended by adding this by-law to section 19B as Schedule S-1481.
 4. Sheet No. E-59D of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1481.
 5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this 26th day of March, 2003.



MAYOR

CLERK



Schedule "A"

Map Forming Part of
By-Law No. 03-065
to Amend By-Law No. 6593



Hamilton

Planning and Development Department

Legend



Subject Property
1275 Rymal Road East

North



Scale
NOT TO SCALE

Date
February 25, 2003

Reference File No.
ZAR-03-09

Drawn By
CL

Bill No. 066

CITY OF HAMILTON

BY-LAW NO. 03-066

**To Amend Zoning By-law No. 6593, as amended by By-law No. 01-209
Respecting Lands Located south of Rymal Road East
and west of Upper Wentworth Street Fronting
onto Bianca Drive and Morgante Court**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 7 of Report 03-010 of the Hearings Sub Committee at its meeting held on the 26th day of March, 2003, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

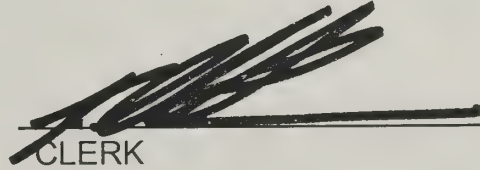
1. That Section 1.(a) of By-law No. 01-209 (Hamilton) be repealed in its entirety and the following substituted for:

"1.(a) by changing from "AA (Agricultural) District to "R-4" (Small Lot Single Family) District the lands comprised in Blocks 1 and 2";

2. By-law No. 6593 is amended by adding this by-law to section 19B as Schedule S-1483.
3. Sheet No. E-18e of the District Maps are amended by marking the subject lands referred to in section 1 of By-law No. 01-209 as S-1483.
4. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this 26th day of March, 2003 .



MAYOR

CLERK

Authority: Item 6, Committee of the Whole
Report 03-007 (PD03063)
CM: March 26, 2003

Bill No. 067

CITY OF HAMILTON

BY-LAW NO. 03-067

**To Amend Zoning By-law No. 90-145-Z (Flamborough), as Amended
Respecting Lands Legally Described as Part of Lot 10, Concession 1, former
geographic Township of West Flamborough
Owned by Gary Neven**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Flamborough" and is the successor to the former regional municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th day of November 1990, and approved by the Ontario Municipal Board on the 21st day of December, 1992;

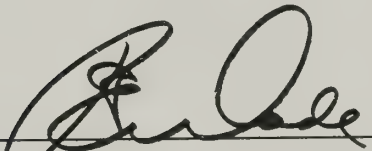
AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Flamborough).

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

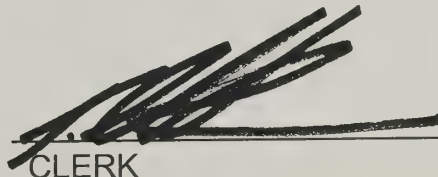
1. Schedule "A-39" of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby amended by changing from the Settlement Residential "R2"(H) Zone to Settlement Residential "R2" by removing the suffix "H" for those lands legally described as Part lot 10, Concession 1, former geographic township of West Flamborough more particularly shown on Schedule "A" which forms part of this By-law.

2. All other regulations of Section 7 – Settlement Residential “R2” Zone, as amended and the General Provisions of Zoning By-law No. 90-145-Z (Flamborough) shall continue to apply.
3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

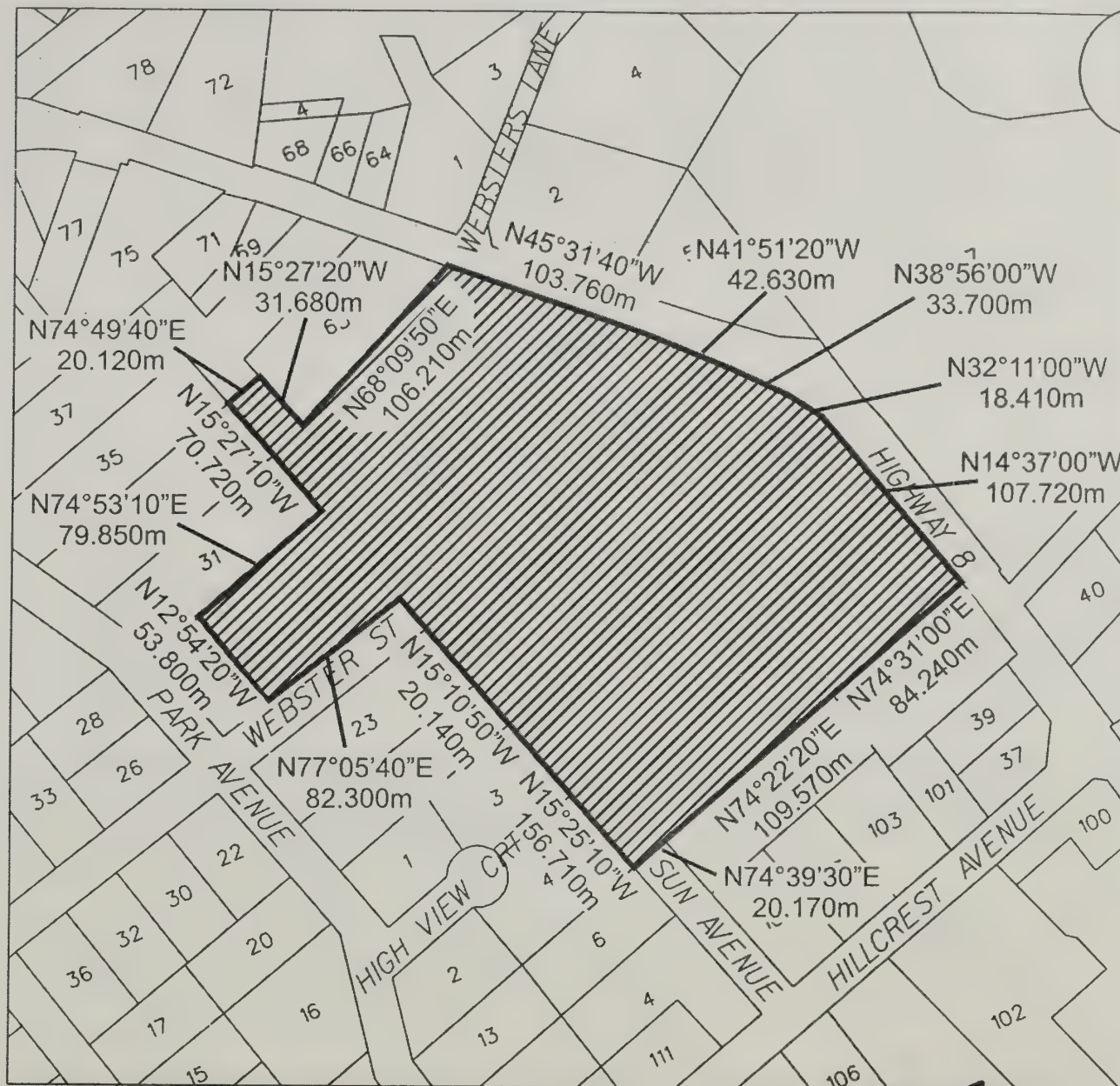
PASSED and ENACTED this 26th day of March, 2002 .



MAYOR

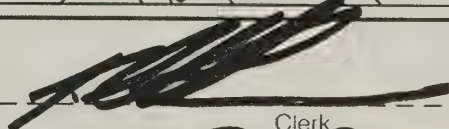


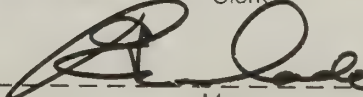
CLERK



This is Schedule "A" to By-Law No. 03—067

Passed the 26th day of March, 2003


Clerk


Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-067
to Amend By-Law No. 6593



Hamilton

Planning and Development Department

Legend



Subject Property



North

Scale
NOT TO SCALE

Date
February 25, 2003

Reference File No.
ZAR-03-15

Drawn By
LM

CITY OF HAMILTON

BY-LAW 03-068

**To Amend Schedule 20 of the City of Hamilton
Licensing Code, 2001 (By-law No. 01-156)**

WHEREAS pursuant to section 257.2 of the **Municipal Act**, R.S.O. 1990, c M. 45, as amended, the City of Hamilton in July, 2001, enacted Schedule 20 of By-law No. 01-156, being the City of Hamilton Licensing Code, 2001, for the purpose of licensing care homes, which provide care services to individuals, as a class of business known as "residential care facilities";

AND WHEREAS it is essential for the health and safety of individuals who reside in such residential care facilities, that regular inspections be conducted by trained City of Hamilton personnel, to ensure that adequate standards for the provision of accommodation and care are complied with;

AND WHEREAS the City recognizes the importance of informing the tenants of such facilities, and their families, as well as the employees of such facilities, that their personal information is collected in the course of inspections carried out by City of Hamilton personnel;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 20 of the City of Hamilton Licensing Code, 2001, being By-law No. 01-156, is amended by adding the following section after section 9:

- 9a. (1) The operator shall give every employee a notice of the collection of personal information in a form approved by the Issuer of Licences and the Medical Officer of Health which describes the procedures under this Schedule for the collection of personal information about employees, at the time when an individual commences employment at the facility.
- (2) The notice under subsection (1) shall also contain:
 - (a) the legal authority for the collection of personal information about employees by inspectors;

- (b) the principal purpose or purposes for which the personal information is intended to be used; and,
 - (c) the title, business address, and business telephone number of an officer or employee of the City who can answer questions from an employee of the facility about the collection of his or her personal information.
 - (3) Where the operator has not given an employee a notice under subsection (1), the operator shall give the employee a letter in a form approved by the Issuer of Licences and the Medical Officer of Health which contains the information set out in subsections (1) and (2), within seven days after being directed to do so by the Issuer of Licences.
 - (4) Notwithstanding subsection (1), the operator shall give a notice of the collection of personal information to an employee within seven days after being directed to do so by an inspector appointed by the Issuer of Licences.
2. Section 10 of Schedule 20 of the City of Hamilton Licensing Code, being By-law 01-156, is amended by adding the following clause after clause (c):
- (d) a notice of the collection of personal information in a form approved by the Issuer of Licenses which contains:
 - (i) the legal authority for the collection of personal information about tenants and employees of the facility by inspectors;
 - (ii) the principal purpose or purposes for which the personal information is intended to be used; and,
 - (iii) the title, business address and business telephone number of an officer or employee of the City who can answer questions from individual tenants and employees of the facility about the collection of their personal information.
3. Schedule 20 is further amended by adding the following section after section 43:
- 43a. (1) The operator shall give every tenant a notice of the collection of personal information in a form approved by the Issuer of Licenses and the Medical Officer of Health which describes the procedures under this Schedule for the collection of personal information about tenants, at the time when an individual is admitted as a tenant of the facility.

- (2) The notice under subsection (1) shall also contain:
- (a) the legal authority for the collection of personal information about tenants by inspectors;
 - (b) the principal purpose or purposes for which the personal information is intended to be used; and,
 - (c) the title, business address, and business telephone number of an officer or employee of the City who can answer questions from a tenant of the facility about the collection of his or her personal information.
- (3) Where the operator has not given a tenant the notice under subsection (1), the operator shall give the tenant a letter in a form approved by the Issuer of Licences and the Medical Officer of Health, which contains the information set out in subsections (1) and (2), within seven days after being directed to do so by the Issuer of Licences.
- (4) Notwithstanding subsection (1), the operator shall give a notice of the collection of personal information to a tenant within seven days after being directed to do so by a registered nurse employed in the Public Health and Community Services Department.

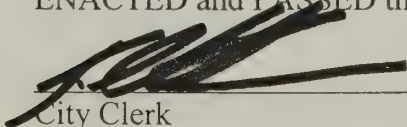
4. Schedule 20 is further amended by adding the following sections after section 55:

55a. The operator shall ensure that any document or other record of any kind which contains personal information about a tenant, other than the personal information described in subsections 54(1) and (2) and 55(1) and (2), is maintained in a file which is separate from the file which is maintained pursuant to subsection 54(2).

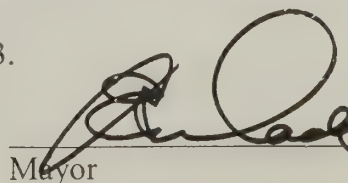
55b. The operator shall ensure that any document or other record of any kind which contains personal information about the performance of duties by an employee of a facility, including personal information which relates to sections 8, 9, 11, 12, 13, and 14, is maintained in a file which is separate from any other file which contains personal information about the employee.

5. This By-law comes into force on the date that it is passed.

ENACTED and PASSED this 26th day of March, 2003.



City Clerk



Mayor

Bill No. 069

**CITY OF HAMILTON
BY-LAW NO. 03- 069
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

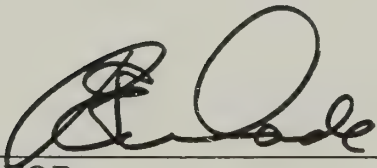
1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "A" thereof, the following items, namely:

"Jeffery Dr.	Westbound	Joshua Av.
Joshua Av.	Westbound	Lowinger Av.
Livery Ln.	Eastbound	Lowinger Av.
Livery Ln.	Westbound	Meadowlands Bv.
Londonderry Dr.	Westbound	Meadowlands Bv.
Lowinger Av.	Northbound	Londonderry Dr.
Lowinger Av.	Southbound	Shrewsbury St.

Olivia Pl.	Eastbound	Meadowlands Bv.
Olivia Pl.	Southbound	Stonehenge Dr.
Shrewsbury St.	Eastbound	Joshua Av.
Shrewsbury St.	Westbound	Meadowlands Bv."

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 26th day of March, 2003



MAYOR



CLERK

Bill No. 070

**THE CITY OF HAMILTON
BY-LAW NO. 03-070
TO INCORPORATE CITY LAND
DESIGNATED AS BLOCK 204 ON PLAN 62M-828
INTO STONEHENGE DRIVE**

WHEREAS the Council of the City of Hamilton is empowered under Section 31(1) of The Municipal Act, 2001, Chapter 25 and amendments thereto, to establish and lay out, widen, alter, divert, stop-up, lease or sell any highway or part of a highway.

AND WHEREAS the Council of the City of Hamilton deems it necessary to incorporate the land described below into the highway known as Stonehenge Drive within its limits;

AND WHEREAS the said land is owned by the City of Hamilton.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

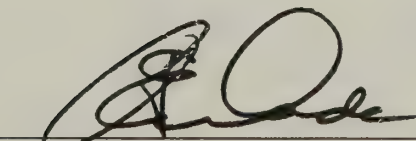
1. That the following land is hereby established and laid out as a public highway to form part of Stonehenge Drive.

Block 204, in the Geographic Township of Ancaster, now in the City of Hamilton, on Plan 62M-828.

City of Hamilton

2. That the General Manager of Public Works or his duly authorized agent is hereby authorized to open the said land as a public highway.
3. That this by-law comes into force and takes effect on the date of its registration in the Land Registry Office (No. 62).

PASSED and ENACTED this 26th day of March, 2003



MAYOR



CITY CLERK

CITY OF HAMILTON

BY-LAW NO. 03-071

**To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Parking Meters) of By-law No. 01-218, as amended, is hereby further amended by deleting from Subsection 3(a) of Section "E" thereof (1 hour at 50¢ per hour) the following item, namely:

"Park West Market to Merrick"

and by deleting from Subsection 3(b) of Section "E" thereof (1 hour at \$1.00 per hour) the following item, namely:

"Park East King to Merrick"

2. Schedule 6 (Time Limit Parking) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Peter South Hess to 25.9m westerly 3 hr Anytime Anyday"

Wentworth	East	Cannon to Barton	1 hr	8 am – 6 pm Mon – Sat Holidays Excepted
Wentworth	East	King to Main	1 hr	8 am – 6 pm Mon – Sat Holidays Excepted
Wentworth	West	Mars to Francis	1 hr	8 am – 6 pm Mon – Sat Holidays Excepted
Wentworth	East	King to Cannon	3 hr	8 am – 6 pm Mon – Sat Holidays Excepted
Wentworth	East	Barton to Birge	2 hr	8 am – 6 pm Mon – Sat Holidays Excepted
Wentworth	West	from 25 feet north of the extended north curb line of Brant to 60 feet northerly	1 hr	8 am – 6 pm Mon – Sat” Holidays Excepted

and by deleting from Section "E" thereof the following items, namely:

"Peter	South	Hess to 16.8m westerly	½ hr	8 am – 8 am Mon – Sun (24 hrs)
Park	West	72 feet north of Bold to a point 80 feet northerly	3 hr	8 am – 6 pm Mon – Sat”

and by deleting from Subsection "B"(4) of Section "G" thereof the following items, namely:

"Wentworth	East	Cannon to Barton
Wentworth	East	King to Main
Wentworth	West	Mars to Francis”

and by deleting from Subsection "B"(6) of Section "G" thereof the following items, namely:

"Wentworth	East	From 152 ft. south of Burton to 40 ft. north of Burton
Wentworth	East	King to Cannon”

and by deleting from Subsection "B"(7) of Section "G" thereof the following item, namely:

"Wentworth East Barton to Birge"

and by deleting from Subsection "B"(11) of Section "G" thereof the following item, namely:

"Wentworth West Commencing at a point 25 feet north of the
north curb of Brant Street and extending to
a point 60 feet northerly therefrom

3. Schedule 8 (No Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Park West Bold to Hunter 7:00 a.m. to 4:00 p.m.
Monday to Friday

Vine South from 27m east of Bay to 5.5m easterly Anytime"

and by deleting from Section "E" thereof the following items, namely:

"King North from 39m west of Hess to 7:00 a.m. to 4:00 p.m.
10.7m westerly

Park West Hunter to a point 192 feet southerly Anytime
therefrom

Park West King to Market Anytime"

4. Schedule 12 (Permit Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "B" thereof the following item, namely:

"Colmar Pl. South from 65.5m west of Don St. to 6m westerly Anytime"

and by adding to Section "E" thereof the following items, namely:

"Allan North from 67.7m west of Cope to 6.1m westerly Anytime

Keith South from 42m west of Emerald to 5.5m westerly Anytime

Peter South from 25.9m west of Hess to Queen Anytime"

and by deleting from Section "E" thereof the following items, namely:

"East 24 th	East	commencing 240 feet south of Crockett and extending 26 feet southerly therefrom	Anytime
Fairfield	East	commencing at a point 38 feet north of Vansitmart to a point 27 feet northerly therefrom	Anytime
Francis	South	commencing 65 feet west of Douglas and extending 18 feet westerly therefrom	Anytime
Gibson	East	commencing 167m south of Barton and extending 5.6m southerly therefrom	Anytime
Peter	South	from 16.8m west of Hess to 94.2m westerly	Anytime
Ray	West	commencing 24 feet south of Florence and extending 18 feet southerly therefrom	Anytime"

5. Schedule 13 (No Stopping Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Park	West	from 43.2m south of Hunter to 14m southerly	Anytime
Park	East	Hunter to Hurst	Anytime
Park	West	Bold to 28.2m northerly	Anytime
Wentworth	East	Munroe to 50m southerly	Anytime
Wentworth	East	from 112.8m south of Munroe to 13.7m southerly	Anytime
Wentworth	East	from 143.6m south of Munroe to 61.2m southerly	Anytime
Wentworth	East	Delaware to 1004 feet southerly	Anytime
Wentworth	East	Charlton to T.H. & B. Railway	Anytime

Wentworth	West	Charlton to 122 ft. north of T.H. & B. Railway	Anytime
Wentworth	East	from 192 feet north of King to 129 feet northerly	Anytime
Wentworth	East	from 104 feet south of Nightingale to 62 feet southerly	Anytime
Wentworth	East	from 90 feet north of Main to 110 feet northerly	Anytime
Wentworth	East	King to King William	Anytime
Wentworth	East	Wilson to 60 feet northerly	Anytime
Wentworth	East	from 235 feet south of Bristol to 60 feet Southerly	Anytime
Wentworth	East	Brant to 73 feet southerly	Anytime"

and by deleting from Section "E" thereof the following items, namely:

"Park	West	Hunter to 70 feet south	Anytime
Park	West	Bold to 92 feet north	Anytime
Park	West	Main to King	Anytime
Park	West	Market to King	Mon. – Fri." 4:00 – 6:00 pm

and by deleting from Section "G" thereof the following items, namely:

"Wentworth	East	commencing at the CNR Main Line and extending 147 feet southerly therefrom	Anytime
Wentworth	East	South curb line of main entrance to H.S.R. Garage to a point 153 feet south	Anytime
Wentworth	East	from CNR Main Line to 112 ft. northerly	Anytime
Wentworth	East	from 148 ft. south of Munroe to 112 ft. southerly	Anytime

Wentworth	East	Delaware to 104 ft. southerly	Anytime
Wentworth	East	Charlton to T.H.& B. Railway	Anytime
Wentworth	West	Charlton to 122 ft. north of T.H. & B. Railway	Anytime
Wentworth	East	from a point 192 feet north of King to a point 129 feet northerly therefrom	Anytime
Wentworth	East	from a point 104 feet south of Nightingale to a point 62 feet southerly therefrom	Anytime
Wentworth	East	from 90 ft. north of Main to 110 ft. north	Anytime
Wentworth	East	King to King William	Anytime
Wentworth	East	60 ft. north of Wilson to 60 ft. south	Anytime
Wentworth	East	from 235 ft. south of Bristol to 60 ft. southerly	Anytime
Wentworth	East	Brant to a point 73 feet southerly therefrom	Anytime"

6. Schedule 14 (Wheelchair Loading Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Upper Sherman	East	from 46.6m north of Macassa to 8.1m northerly	Anytime"
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and by deleting from Section "E" thereof the following item, namely:

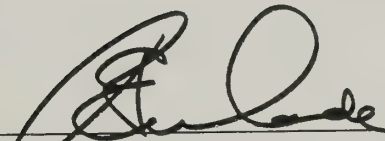
"Park Row East 65 feet 145 feet south of Maple 7:30 am – 6:00 pm"

7. Schedule 16 (Taxi Zones) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following items, namely:

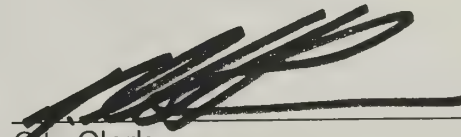
"East 19 th	West	from 176 feet south of Concession to 50 feet southerly	7:00 a.m. to 6:00 p.m. Monday to Friday
Park	East	from 30 feet north of King to 85 feet northerly	Anytime"

8. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
9. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 26th day of March, 2003.



Mayor



City Clerk

Authority: Item 4 Hearings Sub-Committee
Report 03-010 and Item 4 Hearings
Sub-Committee Report 03-011
(PD03059)
CM: March 26, 2003

Bill No. 072

CITY OF HAMILTON

BY-LAW NO. 03-072

**To Amend Zoning By-law No. 464 (Glanbrook))
Respecting Lands known as 4255 Hall Road
Owned by Isabel Hetram**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

AND WHEREAS it is intended to change the zoning of the lands hereinafter referred to, and to amend certain exemptions under Section 44 of By-law No. 464 (Glanbrook), passed on the 16th day of March, 1992 and approved by the Ontario Municipal Board by Order dated the 31st day of May, 1993.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule "D", appended to and forming part of By-law No. 464 (Glanbrook) is amended by changing from the General Agricultural "A1" Zone to the Site-Specific General Agricultural "A1-174" Zone, the land comprised in 4255 Hall Road, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. That Section 44 "Exemptions to the Provisions of this By-law", of Zoning By-law No. 464, be amended by adding a new special exceptions, "A1-174", to include the following:

- (i) That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464, be amended by adding new special exceptions "A1-174" as follows:

A1-174 Notwithstanding Subsection 8.1 PERMITTED USES and Subsection 8.5 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (d) OF SUBSECTION 8.1 (KENNELS) of SECTION 8: GENERAL AGRICULTURAL "A1" ZONE, the following additional permitted uses and regulations shall apply to those lands zoned site-specific General Agricultural "A1-174":

(a) ADDITIONAL PERMITTED USES

- (i) A kennel may be used only for the sole purpose of training dogs. The keeping and/or boarding of dogs and/or domestic pets for any purpose shall be prohibited. Dog sport competition events and dog shows are expressly prohibited.
- (ii) A veterinary service establishment may permitted only within the existing accessory building having a total gross floor area of 478 square metres.

(b) ADDITIONAL REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i) OF THIS SUBSECTION;

- (i) A kennel may be permitted only within the existing 116 square metre accessory industrial building and a proposed 260 square metre addition to that existing building.
- (ii) Notwithstanding the regulations provided in Subsection 8.5 (g), the minimum separation distance between the kennel building and any dwelling, except for the dwelling on the lot containing the kennel, shall be 90 metres.

(c) ADDITIONAL REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(ii) OF THIS SUBSECTION;

The veterinary service establishment shall have a maximum practice of three veterinarians.

3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 26th day of March, 2003.



MAYOR

CLERK



This is Schedule "A" to By-Law No. 03—072

Passed the ...26th..... day ofMarch.....,2003

[Signature]
Clerk

[Signature]
Mayor

Schedule "A"

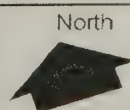
Map Forming Part of
By-Law No. 03-072
to Amend By-Law No. 3692-92



Hamilton

Planning and Development Department

 **Subject Property**
4255 Hall Road - Change from the
General Agricultural "A1" Zone to the
site-specific General Agricultural
"A1-174" Zone



North

Scale
NOT TO SCALE

Date
February 27, 2003

Reference File No.
ZAR-02-90

Drawn By
NM

Bill No. 073

CITY OF HAMILTON

BY-LAW NO. 03-073

To Amend Zoning By-law No. 6593
Respecting Lands Located at 1650 Upper Ottawa Street

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section (b) of Report 03-007 of the Hearing Sub Committee at its meeting held on the 19th day of February, 2003, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

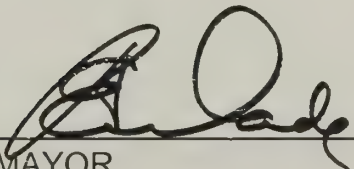
AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

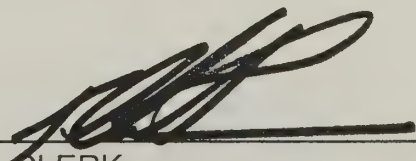
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That the "M-15" (Prestige Industrial) District, modified, provisions as contained in Section 17G of Zoning By-law No. 6593, applicable to the lands, the extent boundaries of which are shown on a plan hereto annexed as Schedule "A", are amended to the extent only of the special requirement that:

- (i) notwithstanding Section 17G(1)(c) of Zoning By-law No. 6593, a waste transfer station, having an area no larger than 30.5m², for the temporary storage of waste, and accessory only to the use existing at the time of the passing of the By-law, shall be permitted.
2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "M-15" District provisions, subject to the special requirements referred to in section 1.
3. By-law No. 6593 (Hamilton) is amended by adding this by-law to section 19B as Schedule S-1210a.
4. Sheet No. E-49e of the District Maps is amended by marking the subject lands S-1210a.
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this 26th day of March, 2003.



MAYOR

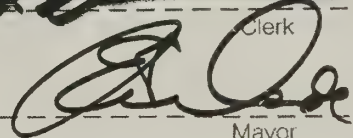
CLERK



This is Schedule "A" to By-Law No. 03-073

Passed the 26th day of March, 2003


Clerk


Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-073
to Amend By-Law No. 6593



Hamilton

Planning and Development Department



Subject Property
1650 Upper Ottawa Street - For
Further Modification to the Established
"M-15" (Prestige Industrial) District

North



Scale
NOT TO SCALE

Date
March 06, 2003

Reference File No
ZAR-02-83

Drawn By
NM

THE CITY OF HAMILTON

BY-LAW NO. 03-074

To Confirm the Proceedings of City Council at its meeting held on March 26, 2003

THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:

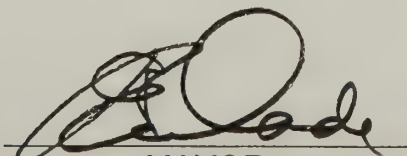
1. The Action of City Council at its meeting held on the 26th day of March, 2003 in respect of each recommendation contained in:

Report 03-007 of the Committee of the Whole,
Report 03-008 of the Committee of the Whole,
Report 03-010 of the Hearings Sub-Committee,
Report 03-011 of the Hearings Sub-Committee,

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED and ENACTED this 26th day of March, 2003



MAYOR



CITY CLERK

CA4 DN HBL A08
B91
2003

Authority: Item 6, Committee of the Whole
Report 03-004 (PD03023)
CM: February 12, 2003

Bill No. 075

City of Hamilton

BY-LAW NO. 03-075

To Designate:

**LAND LOCATED AT MUNICIPAL NO. 166 CHARLTON AVENUE WEST,
CITY OF HAMILTON**

As Property of:

HISTORIC AND ARCHITECTURAL VALUE AND INTEREST

WHEREAS the Council of the City of Hamilton did give notice of its intention to designate the property mentioned in section 1 of this by-law in accordance with subsection 29(3) of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18;

AND WHEREAS no notice of objection was served on the City Clerk as required by subsection 29(5) of the said Act;

AND WHEREAS it is desired to designate the property mentioned in section 1 of this by-law in accordance with clause 29(6)(a) of the said Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The property located at Municipal No. 166 Charlton Avenue West, Hamilton, Ontario and more particularly described in Schedule "A" hereto annexed and forming part of this by-law, is hereby designated as property of historic and architectural value and interest.

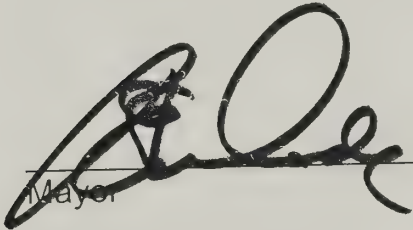
2. The Corporate Counsel is hereby authorized and directed to cause a copy of this by-law, together with reasons for the designation set out in Schedule "B" hereto annexed and forming part of this by-law, to be registered against the property affected in the proper registry office.

3. The City Clerk is hereby authorized and directed,

- (i) to cause a copy of this by-law, together with reasons for the designation, to be served on The Ontario Heritage Foundation by personal service or by registered mail;

- (ii) to publish a notice of this by-law once in a newspaper having general circulation in the City of Hamilton.

PASSED and enacted this 9th day of April, 2003.



Mayor

City Clerk

166 Charlton Avenue West
City of Hamilton

REASONS FOR DESIGNATION

Architectural Value

This 1856 stone residence was designed to a vernacular interpretation of the Regency style and originally built to an L-plan. "Vernacular" refers to a building has been constructed by local builders using local materials. The Regency style was influenced by the English taste for the picturesque in painting and gardens and by architectural forms in British colonies. Characteristic features of the Regency style include: symmetrical façades; one or one-and-half stories; hipped or gable roofs with broad eaves; Classically based windows and entrances, and French doors. Because it is of a vernacular form of the style, 166 Charlton Avenue West possessed some, but not all of the typical features. It retains some of these features including a symmetrical façade and French doors that open out to the rear yard. The builder of 166 Charlton may have favoured some features of the Regency style such as a hipped roof, but perhaps preferred a more simple window design than those with a Classical influence. The exterior is local limestone with a tooled stone beltcourse along the top of the foundation on three sides of the house.

The Reasons for Designation apply to all elevations and the roof including all façades, entranceways, porches, windows and chimneys, together with construction materials of stone, wood and glazing, building techniques, and interior features as follows:

South (Front) Façade

The front façade of the house is symmetrical with 3 bays and is built with grey rock-faced limestone blocks. This elevation also consists of a secondary entrance set back at the northwest corner of the main house. On the front façade of the main house, there is a central entrance consisting of the original panelled wood door and a tri-light transom above. The door reveals are also panelled. The entrance is sheltered by a small portico with a flat roof supported by square posts. On either side of the entrance are rectangular 1/1 sash lights with 12-pane storm windows, wooden shutters and tooled stone sills. The front roof elevation contains two hipped roof dormers with two small double pane windows each. Decorative wood shingles clad the sides of the dormers. The secondary entrance is contained within a rear frame addition with a wood door and two-pane transom. The lean-to frame addition features wood vergeboard on the half-gable.

East (Side) Elevation

The east elevation consists of the main house, the original ell and a one storey wood frame addition. The elevation of the main house is built of cream-coloured limestone rubble. The raised mortar joints have been patterned to create the appearance of stone blocks. The mansard roof contains one hipped dormer with a single pane of glass. An interior stone chimney is also located here. The ell portion features one entrance containing the original wood panelled door and hardware. The door has 2 rectangular lights and a tri-light transom above. The exterior is of limestone rubble with flush mortar joints, made to resemble squared masonry units. The corner of the front and rear sections of the house is finished with a small, second-storey sunroom. The east elevation of the addition is board and batten with two rectangular 2/2 windows.

North (Rear) Elevation

The north (rear) elevation comprises the rear of the main house, the stone ell and a one storey frame addition. This side of the main house has an entrance with wooden French doors with a single-light in each leaf and a single light transom above. The rear of the ell is limestone rubble with the same block pattern using mortar joints as the east and west elevations. There are two main floor windows with 6/6 double hung sashes. There is a shed roof dormer on the second floor with a 1/1 sash window. The rear of the frame addition has no window or door openings.

West (Side) Elevation

This elevation comprises the main house and a one storey frame addition. The main house is built of cream-coloured limestone rubble made to resemble blocks with raised mortar joints. The mansard roof contains a hipped dormer clad with wood shingles containing four small 1/1 pane sashes. There is an interior stone chimney and a centred 6/6 sash window with wooden shutters on the main floor. This elevation of the frame addition is board and batten with one 2/2 sash window at the northwest corner.

Interior

Interior features include a marble fireplace and French doors in the double living room, tiled fireplace in the morning room and the original staircase. A window pane in the dining room has the name *Mary Sangster* scratched into the glass. There are also original wood doors and hardware throughout the house. The front door is original with brass hardware.

CA4 ON HBL A08
B91
2003

Authority: Item 17, Committee of the Whole
Report 03-009 (PW03017)
CM: April 9, 2003

Bill No. 076

**CITY OF HAMILTON
BY-LAW NO. 03- 76
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

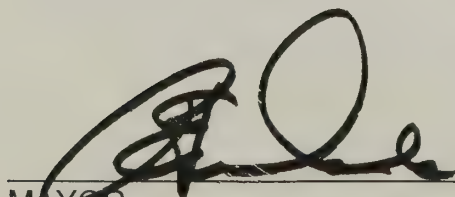
AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Maplewood Eastbound and Westbound Prospect"
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 9th day of April, 2003



MAYOR



CLERK

Authority: Item 3. Hearings Sub-Committee
Report 03-012 (PD03072)
CM: April 9, 2003

Bill No. 077

CITY OF HAMILTON

BY-LAW NO. 03-077

**To Amend Zoning By-law No. 464 (Glanbrook)
Respecting Lands located at 2100, 2120, 2150, 2170 and 2190 Rymal Road East**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Township of Glanbrook" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 464 (Glanbrook) was enacted on the 16th day of March, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1993;

AND WHEREAS it is intended to change the zoning of the lands hereinafter referred to, and to amend certain exemptions under Section 44 of By-law No. 464 (Glanbrook), passed on the 16th day of March, 1992 and approved by the Ontario Municipal Board by Order dated the 31st day of May, 1993.

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Township of Glanbrook);

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule "J" – Rymal Road Planning Area, appended to and forming part of By-law No. 464 (Glanbrook), be amended as follows:
 - (a) by changing from the General Agricultural "A1" Zone to the site-specific Residential Multiple - Holding "H-RM3-175" Zone, the lands comprised of Block "1";

- (b) by changing from the General Agricultural "A1" Zone to the site-specific General Commercial - Holding "H-C3-175" Zone, the lands comprised of Blocks "2" and "3";
- (c) by changing from the General Agricultural "A1" Zone to the site-specific Residential Multiple - Holding "H-RM2-173" Zone, the lands comprised of Blocks "4" and "5";
- (d) by changing from the General Agricultural "A1" Zone to the Public Open Space "OS2" Zone, the lands comprised of Block "6";
- (e) by changing from the General Agricultural "A1" Zone to the site-specific Institutional "I-175" Zone, the lands comprised of Block "7"; and,
- (f) by changing from the General Agricultural "A1" Zone to the site-specific Residential "R4-173(B)" Zone, the lands comprised of Block "8";

the extent and boundaries of which Blocks "1" to "8", inclusive, are shown on a plan hereto annexed as Schedule "A".

2. That Section 44, "Exceptions to the Provisions of this By-law", of Zoning By-law No. 464, be amended by adding new special exceptions "H-C3-175", "RM3-175" and "I-175" as follows:

H-C3-175 Notwithstanding Subsections 25.1 PERMITTED USES and 25.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 25.1 of SECTION 25: GENERAL COMMERCIAL "C3" ZONE, Clauses (a), (c), (d), (e) and (f), the following permitted uses and regulations shall apply to those lands zoned site-specific General Commercial - Holding "H-C3-175":

(a) PERMITTED USES

- (i) Auditorium, banks and financial institutions (with and without drive thru facilities), Brewers' Retail stores, commercial schools, dry cleaning establishments, garden centres, Liquor Licence Board of Ontario stores, libraries, medical centres, personal service shops, motor vehicle rental and leasing, museums or art galleries, offices (including professional and business), places of entertainment or recreation, post offices, printing establishments, private or commercial clubs, public and private parking lots and structures, fast food restaurants, standard restaurants, take-out restaurants, retail stores (excluding supermarkets, food stores and convenience retail stores), taverns, and uses, buildings and structures accessory to the above permitted uses.

- (ii) Residential uses in accordance with the provisions of the "RM3-175" Zone.
- (iii) Motor vehicle gasoline bars, motor vehicle washing establishment and motor vehicle repair shop.

(b) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(i) OF THIS SUBSECTION

- (i) Minimum Lot Frontage 30 metres
- (ii) Minimum Lot Area 8,000 square metres
- (iii) Maximum Lot Coverage 30 percent
- (iv) Maximum Total Gross
Leasable Floor Area..... 30,000 square metres
- (v) Gross Leasable Floor Area (GLFA) for individual retail stores:
 - 1. Retail Stores (Minimum) 1,860 square metres
 - 2. Retail Stores (Maximum) 11,200 square metres
 - 3. Notwithstanding 1. above, a maximum GLFA of 7,000 square metres for retail stores between 460 and 1,860 square metres shall be permitted, in addition to not more than 10% of the 7,000 square metre maximum within retail stores having a minimum of 230 square metres shall be permitted.
- (vi) Minimum Front Yard..... 7.5 metres
- (vii) For the purposes of this By-law, the lot line that abuts Rymal Road shall be deemed to be the front lot line.
- (viii) All other provisions of Subsection 25.2 shall apply.

(c) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(ii) OF THIS SUBSECTION

Pursuant to the provisions of the Multiple Residential "RM3-175" Zone of this By-law.

(d) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(iii)
OF THIS SUBSECTION

Pursuant to the provisions of SECTION 26: MOTOR VEHICLE
SERVICES "C4" ZONE of By-law No. 464.

The "H" symbol may be removed by a further amendment to this By-law at such time as the following matters have been completed, to the satisfaction of the Director of Operations and Maintenance:

- (1.1) Environmental Assessment studies have been completed and approved;
- (1.2) The method of financing to undertake the required road improvements have been identified including provisions for changes to the applicable Development Charges By-law; and,
- (1.3) The required road improvements have been included in the Capital Budget and/or Forecast where applicable, or financed through other mechanisms;

for each of following required road improvements:

- (2.1) Construction of the Red Hill Creek Expressway with four (4) lanes plus an additional upbound truck lane;
- (2.2) The widening of Rymal Road to four (4) lanes plus turn lanes;
- (2.3) The extension of Trinity Church Road to the Lincoln Alexander Parkway; and,
- (2.4) The construction of a new signalized collector road intersection with Regional Road 56 and the widening of Regional Road 56 to four (4) lanes from Rymal Road to the new collector road intersection; or,

The submission and approval of a traffic impact study to address the need for and timing of any other required road improvements to improve transportation capacity south of and/or crossing the escarpment to accommodate such additional commercial development, and compliance with the matters set out in (1.1 to 1.3) in respect of such improvements, to the satisfaction of the Director of Traffic Engineering and Operation.

The use of these lands while zoned "H-C3-175" shall be restricted to a maximum total Gross Leasable Floor Area of 19,000 square metres subject to the above-noted zone provisions.

RM3-175 Notwithstanding Subsections 19.1 PERMITTED USES and 19.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 19.1 (BLOCK TOWNHOUSE DWELLINGS) of SECTION 19: RESIDENTIAL MULTIPLE “RM3” ZONE, and Subsection 20.2 REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) OF SUBSECTION 20.1 (APARTMENT BUILDING) of SECTION 20: RESIDENTIAL MULTIPLE “RM4” ZONE, the following permitted uses and regulations shall apply to those lands zoned site-specific Residential Multiple “RM3-175”:

(a) PERMITTED USES

- (i) Block Townhouse Dwellings
- (ii) Semi-detached Dwellings
- (iii) Duplex Dwelling
- (iv) Triplex Dwelling
- (v) Apartment Building
- (vi) Home for the Aged
- (vii) Retirement Home, as defined in the R4-001 Zone
- (viii) Uses, buildings and structures accessory to the uses described in Paragraph (a) of this Subsection.

(b) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) (i) to (iv) OF THIS SUBSECTION

- (i) Maximum Density..... 50 dwelling units per hectare
- (ii) Minimum Landscaped Area40 percent of the lot area, which may include the required privacy area
- (iii) All other provisions of the Residential Multiple “RM3-173(B)” Zone shall apply.

(c) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a) (v) to (vii) OF THIS SUBSECTION

- (i) Maximum Lot Area 5.25 hectares
- (ii) Maximum Density..... 50 dwelling units per hectare except:

Retirement Homes and Homes for the Aged N/A
- (iii) Minimum Parking Requirements

Parking shall be provided pursuant to the provisions of Subsections 7.35, 11.5 and 11.6 of this By-law. Notwithstanding Subsections 7.35(a)(vii) and (b), and Subsection 11.6(b), the following provisions shall apply:

- (A) Each parking space shall have a minimum width of 2.75 metres and a minimum length of 5.8 metres;
 - (B) A minimum of 1.5 spaces per dwelling shall be provided for an Apartment Building and 0.4 spaces per unit shall be provided for a Home for the Aged and Retirement Home; and,
 - (C) No parking space or area shall be located closer to a street line than six (6) metres and not be closer than three (3) metres to any Residential Zone or where the adjoining land is used for residential purposes, unless such parking is located within a below-grade communal parking structure.
- (iv) All other provisions of the Residential Multiple "RM4" Zone shall apply.

(d) REGULATIONS FOR USES PERMITTED IN PARAGRAPH (a)(viii) OF THIS SUBSECTION

Accessory uses, buildings and structures shall be pursuant to the provisions of Subsection 7.13 of this By-law.

I-175

Notwithstanding Subsection 39.1 PERMITTED USES of SECTION 39: INSTITUTIONAL "I" ZONE, those lands zoned site-specific Institutional "I" Zone shall only be used for public and separate secondary schools, or single detached dwellings in accordance with the provisions of the site-specific Residential "R4-173(B)" Zone.

H-RM3-175

H-RM2-173

The "H" Standard may be removed by a further amendment to this By-law, at such time as the following matters have been completed, to the satisfaction of the Director of Operations and Maintenance:

- (1.1) Environmental Assessment studies have been completed and approved;
- (1.2) The method of financing to undertake the required road improvements have been identified including provisions for changes to the applicable Development Charges By-law; and,

- (1.3) The required road improvements have been included in the Capital Budget and/or Forecast where applicable, or financed through other mechanisms;

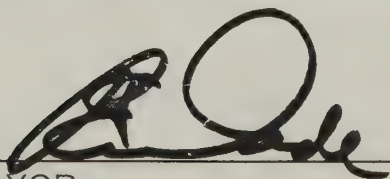
for each of following required road improvements:

- (2.1) Construction of the Red Hill Creek Expressway with four (4) lanes plus an additional upbound truck lane;
- (2.2) The widening of Rymal Road to four (4) lanes plus turn lanes;
- (2.3) The extension of Trinity Church Road to the Lincoln Alexander Parkway; and,
- (2.4) The construction of a new signalized collector road intersection with Regional Road 56 and the widening of Regional Road 56 to four (4) lanes from Rymal Road to the new collector road intersection; or,

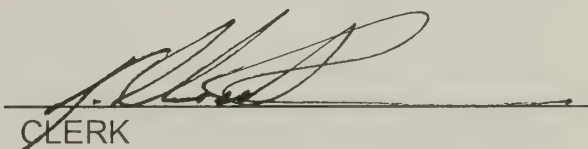
The submission and approval of a traffic impact study to address the need for and timing of any other required road improvements to improve transportation capacity south of and/or crossing the escarpment to accommodate such additional residential development, and compliance with the matters set out in (i)(1.1 to 1.3) in respect of such improvements, to the satisfaction of the Director of Traffic Engineering and Operations.

3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

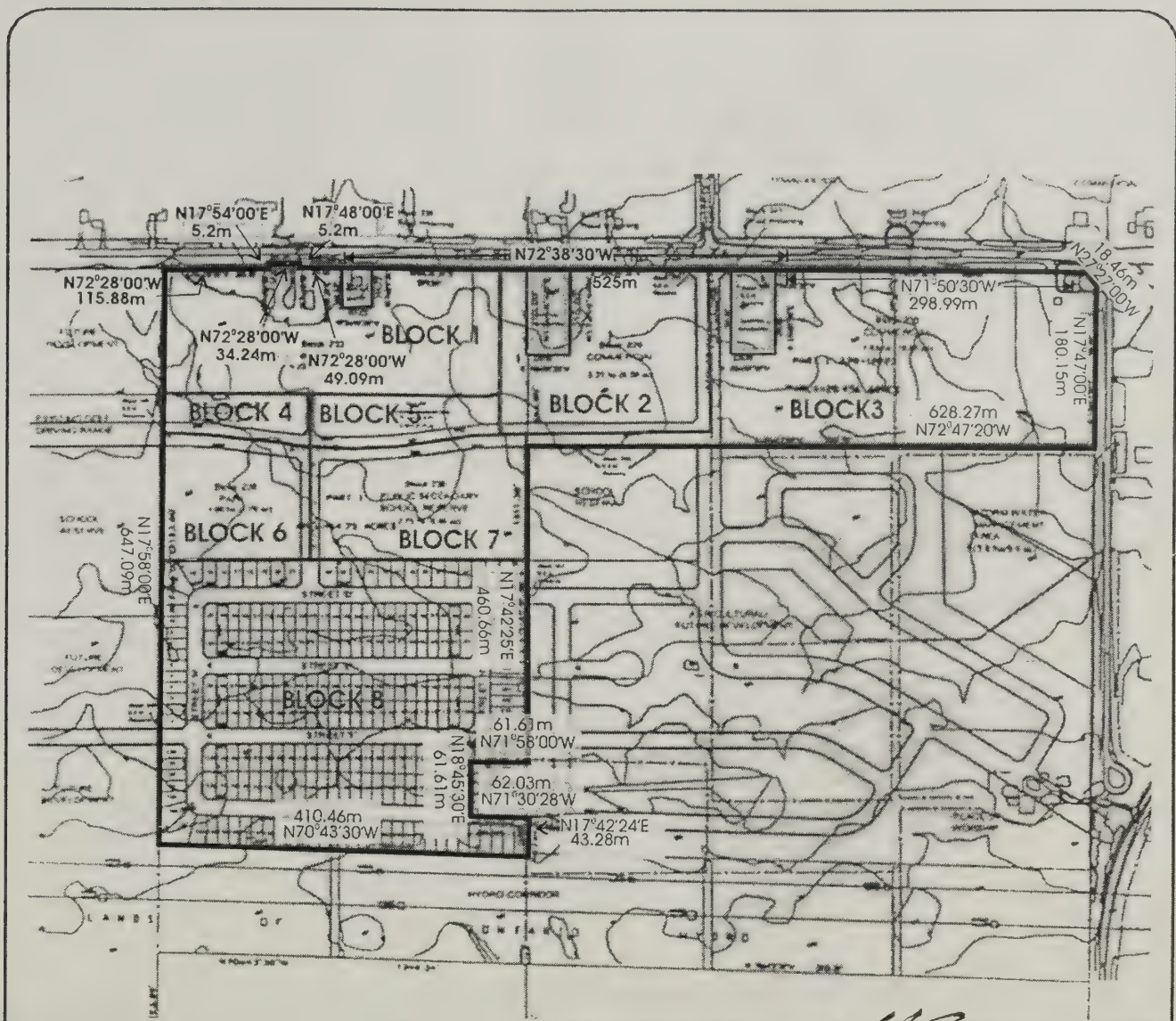
PASSED and ENACTED this 9th day of April, 2003.



MAYOR



CLERK



This is Schedule "A" to By-Law No. 03-077

Passed the 9th day of April, 2003

[Signature]
Clerk

[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-077
to Amend By-Law No. 464



Hamilton

Planning and Development Department

Legend



Subject Property

- Block 1 - Re-zone to the Residential Multiple - Holding "H-RM3-175" Zone
- Blocks 2 & 3 - Re-zone to the site-specific General Commercial - Holding "H-C3-175" Zone
- Blocks 4 & 5 - Re-zone to the site-specific Residential - Holding "H-RM2-173" Zone
- Block 6 - Re-zone to the Public Open Space "OS2" Zone
- Block 7 - Re-zone to the Site-specific Institutional "I-175" Zone
- Block 8 - Re-zone to the Site-specific Residential "R4-173(B)" Zone

North



Scale
NOT TO SCALE

Date
April 7, 2003

Reference File No
ZAC-02-84

Drawn By
MR

CA4 ON HBL A08
B91
2003

Authority: Item 3, Hearings Sub-Committee
Report 03-010 (PD03057)
CM: March 26, 2003

Bill No. 078

CITY OF HAMILTON

BY-LAW NO. 03-078

To Adopt:

Official Plan Amendment No. 91 to the former Town of Ancaster Official Plan;

Respecting:

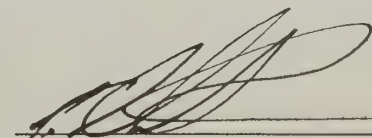
Part of Lot 53, Concession 2, Old Mohawk Road

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 91 to the Official Plan of the former Town of Ancaster Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED AND ENACTED this 9th day of April 2003.


MAYOR


CLERK

Amendment No. 91
to the
Official Plan of the Former City of Ancaster

The following text and Schedule "F", Specific Policy Areas, attached hereto, constitute Official Plan Amendment No. Draft.

Purpose:

The purpose of the Amendment is to create a Specific Policy Area to permit two (2) single detached dwellings on lands in the area that is known as Scenic Woods South.

Location:

The lands affected by this Amendment are north of the Lincoln Alexander Parkway, south of Mohawk Road and west of Scenic Drive, and are located on Part of Lot 53, Concession 2, Old Mohawk Road between 1190 and 1200 Old Mohawk Road.

Basis:

The basis for permitting this proposal is as follows:

1. The subject property is a small parcel with limited table land that is not well-suited for the development of townhouses as a stand-alone site; and,
2. The proposed single detached dwellings would represent suitable infill development.

Actual Changes:

1. That Schedule "F", Specific Policy Areas, be revised by adding the subject lands as Specific Policy Area No. 54, as shown on attached Schedule "F" of this Amendment.
2. That Section 5.6.12 be amended by adding the following as the second paragraph to Subsection 5.6.12 i) c):

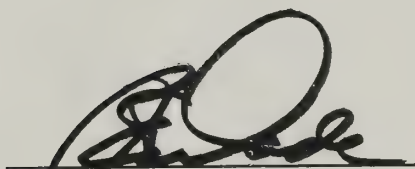
"Notwithstanding the above, on lands identified as Specific Policy Area No. 54, on Part of Lot 53, Concession 2, Old Mohawk Road, two (2) single detached dwellings are permitted."

Implementation:

An implementing Zoning By-Law Amendment and the provisions of Section 7: Implementation of the former Town of Ancaster Official Plan will give effect to this Amendment.

This is Schedule 1 to By-law No. 03-078 passed on the 9th day of April, 2003.

**The
City of Hamilton**

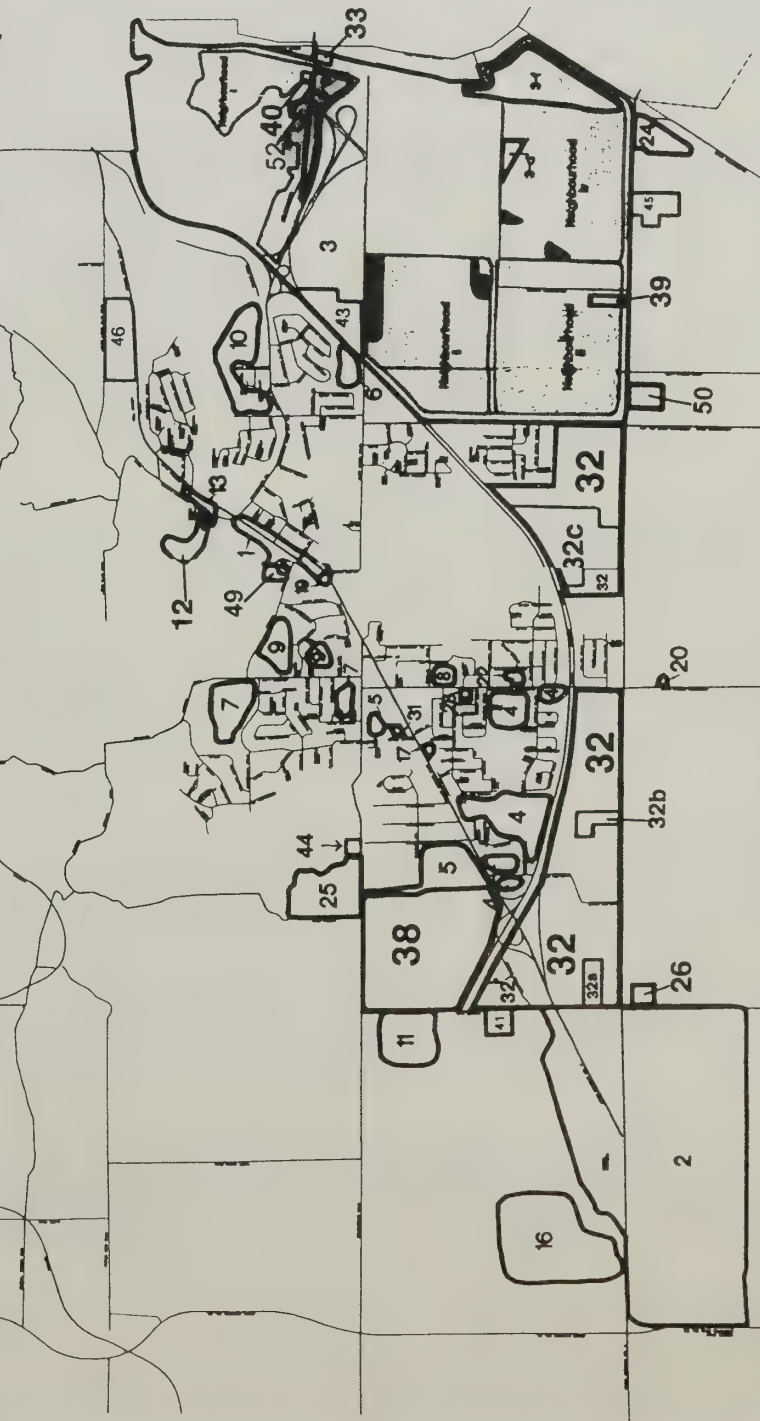
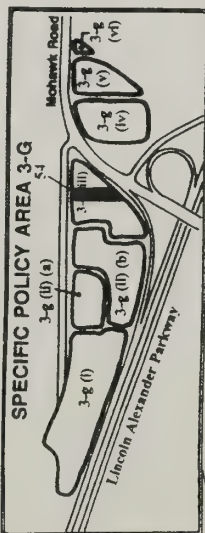


Mayor

City Clerk

Schedule "F" Amendment No. 91 to the Former Town of Ancaster Official Plan	
Add Subject lands as Specific Policy Area No. 54	Reference File No.: OPA 91 (A)
Date: March, 2003	Revised by: Kyle MacIntyre

TOWN OF DUNDAS



Legend

Specific Policy Areas

- Area 1 - refer to subsection 5.4
- Area 2 - refer to subsection 5.5
- Area 3 - refer to subsection 5.6

- 3-g refer to Policy 5.6.10
- 3-g refer to Policy 5.6.11
- 3-g refer to Policy 5.6.12

- Area 4 - refer to Policy 5.7.1
- Area 5 - refer to Policy 5.7.2
- Area 6 - refer to Policy 5.7.3
- Area 7 - refer to Policy 5.7.4
- Area 8 - refer to Policy 5.7.5
- Area 9 - refer to Policy 5.7.6
- Area 10 - refer to Policy 5.7.7
- Area 11 - refer to Policy 5.7.8
- Area 12 - refer to Policy 5.7.9
- Area 13 - refer to Policy 5.7.10
- Area 14 - refer to Policy 5.7.11
- Area 15 - refer to Policy 5.7.12
- Area 16 - refer to Policy 5.7.13
- Area 17 - refer to Policy 5.7.14
- Area 18 - refer to Policy 5.7.15
- Area 19 - refer to Policy 5.7.16
- Area 20 - refer to Policy 5.7.17
- Area 21 - refer to Policy 5.7.18
- Area 22 - refer to Policy 5.7.19
- Area 23 - refer to Policy 5.7.20
- Area 24 - refer to Policy 5.7.21
- Area 25 - refer to Policy 5.7.22
- Area 26 - refer to Policy 5.7.23
- Area 27 - refer to Policy 5.7.24
- Area 28 - refer to Policy 5.7.25
- Area 29 - refer to Policy 5.7.26
- Area 30 - refer to Policy 5.7.27
- Area 31 - refer to Policy 5.7.28
- Area 32 - refer to Policy 5.7.29
- Area 33 - refer to Policy 5.7.30
- Area 34 - refer to Policy 5.7.31
- Area 35 - refer to Policy 5.7.32
- Area 36 - refer to Policy 5.7.33
- Area 37 - refer to Policy 5.7.34
- Area 38 - refer to Policy 5.7.35
- Area 39 - refer to Policy 5.7.36
- Area 40 - refer to Policy 5.7.37
- Area 41 - refer to Policy 5.7.38
- Area 42 - refer to Policy 5.7.39
- Area 43 - refer to Policy 5.7.40
- Area 44 - refer to Policy 5.7.41
- Area 45 - refer to Policy 5.7.42
- Area 46 - refer to Policy 5.7.43
- Area 47 - refer to Policy 5.7.44
- Area 48 - refer to Policy 5.7.45
- Area 49 - refer to Policy 5.7.46
- Area 50 - refer to Policy 5.7.47
- Area 51 - refer to Policy 5.7.48
- Area 52 - refer to Policy 5.7.49

Policy Area Boundaries

Area 52 - refer to Policy 5.7.47

Neighbourhood Area Boundaries

SCHEDULE F

TO THE OFFICIAL PLAN
 OF THE TOWN OF DUNDAS

REVISED: 03/24/03

CA4 DN HBL A08
B91
2003

Authority: Item 3, Hearings Sub-Committee
Report 03-010 (PD03057)
CM: March 26, 2003

Bill No. 079

CITY OF HAMILTON

BY-LAW NO. 03-079

To Amend:

Zoning By-law No. 87-57 (Ancaster),

Respecting:

LANDS LOCATED AT OLD MOHAWK ROAD

Owned by Nick and Alice Dobler
(former Town of Ancaster)

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Ancaster" and is the successor to the former regional municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster), as amended by Official Plan Amendment No. 91, but not yet approved in accordance with the provisions of the Planning Act.

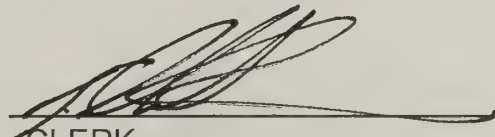
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule "B" (Urban Area) of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby amended by changing the zoning of the lands that are located between 1190 and 1200 Old Mohawk Road from Agricultural "A" Zone to the Residential "R4" Zone comprising 0.2 hectares (0.51 acres) located within Part of Lot 53, Concession 2, (Former Town of Ancaster) more particularly shown on Schedule "A" which forms part of this By-law.
2. All other permitted uses and regulations of Section 12 Residential "R4" Zone, Section 9, General Provisions for Residential Zones and Section 7, General Provisions of Zoning By-law 87-57 (Ancaster) shall continue to apply.
3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 9th day of April, 2003.



MAYOR



CLERK



This is Schedule "A" to By-Law No. 03— 079

Passed the 9th day of April, 2003

[Signature]
Clerk

[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-079
to Amend By-Law No. 87-57



Hamilton

Planning and Development Department

Legend



Change in zoning from Agricultural 'A'
Zone to Residential 'R4' Zone to permit
2 single detached dwellings

North



Scale
NOT TO SCALE

Date
March 25, 2003

Reference File No.
ZAC-02-85 / OPA-02-22

Drawn By
MR

CA4 ON HBL A08
B91
2003

Authority: Item 5, Committee of the Whole
Report 03-009 (PW03013)
CM: April 9, 2003

Bill No. 080

**CITY OF HAMILTON
BY-LAW NO. 03-080
To Amend By-law No. 01-215
Being a By-law to Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

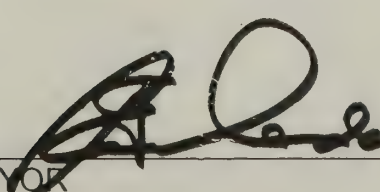
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Davis	Northbound	Kingsview
Lasalle	Southbound	Kingsview"

2. Subject to the amendment made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED AND ENACTED this 9th day of April, 2003


MAYOR


CLERK

Authority: Item 6, Committee of the Whole
Report 03-009 (PW03016)
CM: April 9, 2003

Bill No. 081

CITY OF HAMILTON
BY-LAW NO. 03-081
To Amend By-law No. 01-215
Being a By-law to Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

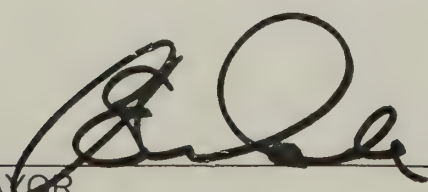
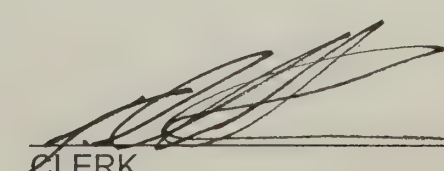
AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Rockwood	Eastbound	John
Rockwood	Westbound	Mountwood".
2. Subject to the amendment made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED AND ENACTED this 9th day of April, 2003


MAYOR
CLERK

Authority: Item 7, Committee of the Whole
Report 03-009 (PW03015)
CM: April 9, 2003

Bill No. 082

CITY OF HAMILTON
BY-LAW NO. 03-082
To Amend By-law No. 01-215
Being a By-law to Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

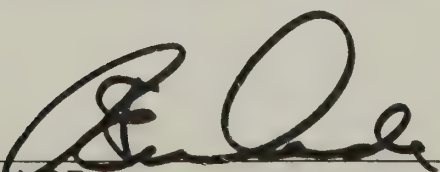
AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "B" thereof the following items, namely:

"Westoby Court Southbound Watson's Lane"
2. Subject to the amendment made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED AND ENACTED this 9th day of April, 2003



MAYOR



CLERK

CA4 ON HBL A08

B91

2003

Authority: Item 8, Committee of the Whole
Report 03-009 (PW03014)
CM: April 9, 2003

Bill No. 083

**CITY OF HAMILTON
BY-LAW NO. 03-083
To Amend By-law No. 01-215
Being a By-law to Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

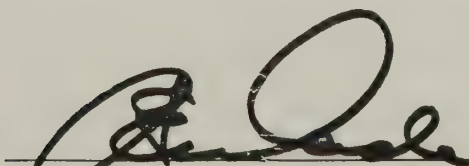
AND WHEREAS it is necessary to amend By-law No. 01-215;

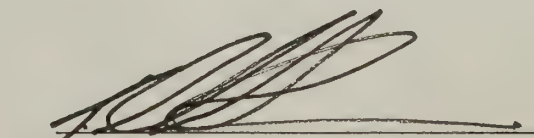
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "A" thereof the following items, namely:

"Butter Rd.	Eastbound and Westbound	Shaver Rd.
Shaver Rd.	Northbound and Southbound	Butter Rd."
2. Subject to the amendment made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED AND ENACTED this 9th day of April, 2003


MAYOR


CLERK

CA4 ON HBL A08

\$91

2003

Authority: Item 18, Committee of the Whole
Report 03-009 (PW03019)
CM: April 19, 2003

Bill No. 084

CITY OF HAMILTON

BY-LAW NO. 03-084

**To Expropriate Lands in the City of Hamilton
Being Part of Lot 28, Concession 1, in the Geographic Township of
Saltfleet, Designated as Parts 2 & 3 on Plan 62R-15125,
Being Part of PIN 17566-0002(LT), Known Municipally
as 2380 Brampton Street, City of Hamilton,
for Road Widening and Reconstruction Purposes**

WHEREAS Section 6 of The Municipal Act, 2001, S.O. 2001, c., 25, as amended, empowers a municipality to expropriate land in accordance with The Expropriations Act;

AND WHEREAS the City of Hamilton, as expropriating authority, made application to the Council of the City of Hamilton on the 13th day of November, 2002 for approval to expropriate lands described as Part of Lot 28, Concession 1, in the geographic Township of Saltfleet, designated as Parts 2 and 3 on Plan 62R-15125, being Part of PIN 17566-0002(LT), known municipally as 2380 Brampton Street, City of Hamilton, being the land described in Schedule "A" attached hereto (and forming part of this by-law) in accordance with The Expropriations Act, R.S.O. 1990, Chapter E.26;

AND WHEREAS the City of Hamilton as expropriating authority did serve a Notice of the said Application for Approval to Expropriate upon each registered owner of the said lands and did publish a Notice of the Application for Approval to Expropriate in the Hamilton Spectator; a newspaper having general circulation in the City of Hamilton, in accordance with The Expropriations Act;

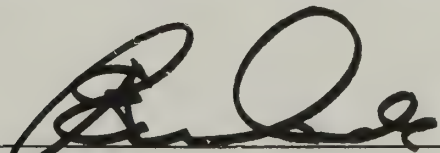
AND WHEREAS no request for an Inquiry Hearing was made by any of the owners of the lands described in Schedule "A" attached hereto and accordingly no Inquiry Hearing has been held;

AND WHEREAS the Council of the City of Hamilton, as approving authority deems it expedient to grant the Application to Expropriate the said lands.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That, as approving authority under The Expropriations Act, the said Application for Approval to Expropriate the lands more particularly described in Schedule "A" attached hereto (and forming part of this By-law), made by the City of Hamilton as expropriating authority, be and the same is hereby granted and the said lands being Part of Lot 28, Concession 1, in the geographic Township of Saltfleet, designated as Parts 2 and 3 on Plan 62R-15125, City of Hamilton, being Part of PIN 17566-0002(LT), known municipally as 2380 Brampton Street, City of Hamilton are hereby expropriated for road widening and reconstruction purposes.
2. That the Mayor, Clerk and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to implement and give effect to the provisions of this By-law and this authority shall include the taking of all necessary proceedings to enter and to take possession of the lands hereby expropriated.

PASSED and ENACTED this 9th day of April, 2003.



MAYOR

CLERK

C44 ON HBL A08
B91
2003

Authority: Item 12 Committee of the
Whole Report 01-033
(PD01184)
CM: October 16, 2001

1

Bill No. 085

City of Hamilton

BY-LAW No. 03-085

Respecting:

Removal of Part Lot Control

Lots 19 to 24 (Both Inclusive) and Lots 37 to 42 (Both Inclusive), Registered Plan No. 908

WHEREAS the Planning Act, (R.S.O. 1990, Chapter P.13 sec. 50 (5) as amended) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS the Planning Act, (sec.50 (7)) states, in part, as follows:

(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the land which is the subject of this By-law was, as of January 1st, 2001 — placed within the jurisdiction of the City of Hamilton, a new municipality incorporated as of January 1, 2001 by the City of Hamilton Act, 1999 (S.O. 1999, Chapter 14, Schedule C);

AND WHEREAS the City of Hamilton stands in the place of the former regional municipality, The Regional Municipality of Hamilton-Wentworth and in the place of the former area municipalities of the said Region;

AND WHEREAS as provided for in section 50(7.2) quoted above, this by-law is exempt from an approval in addition to this bylaw of the Council of the City of Hamilton because City Council is authorized to approve plans of subdivision under section 51 of the Planning Act.

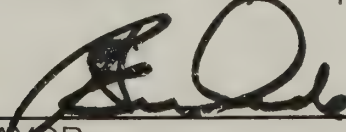
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purpose of creating 14 lots for single detached dwellings, shall not apply to the portions of the registered plan of subdivision that are designated as follows:

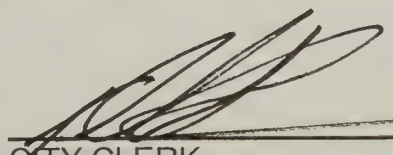
Lots 19 to 24 (Inclusive) and Lots 37 to 42 (Inclusive), Registered Plan No. 908,
in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. The time period, during which the By-law remains in force, shall expire on the following specified date: February 1, 2005.

PASSED this 9th day of April, 2003.



MAYOR



CITY CLERK

CA4 ON HBLA08

B91

2003

Authority: Item 14, Committee of the Whole
Report 01-003 (FCS01007)
CM: April 9, 2003

Bill No. 086

CITY OF HAMILTON

BY-LAW NO. 03- 086

**To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 6 (Time Limit Parking) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Ray	West	King to Market	2 hr	9 am – 10 pm	Mon - Sat"
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2. Schedule 8 (No Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Cloverdale	West	Lawrence to the south property line of 27 Cloverdale Avenue	December 1 st to March 31 st
-------------	------	--	---

John	East	Arkledun to Rockwood	Anytime
------	------	----------------------	---------

Rosslyn	West	King to Maple	Anytime"
---------	------	---------------	----------

and by deleting from Section "E" thereof the following items, namely:

"Ambrose	East	Greenhill to Veevers	Anytime
John	West	St. Joshephs to Rockwood	Anytime"

3. Schedule 10 (Alternate Side Parking) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Rosslyn Avenue South	East	West"
Maple Avenue to Justine Avenue		

and by deleting from Section "E" thereof the following item, namely:

"Rosslyn Avenue South	East	West"
Justine Avenue to King Street East		

4. Schedule 13 (No Stopping Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Ambrose	East	Greenhill to Veevers	Anytime"
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and by deleting from Section "E" thereof the following item, namely:

"Ambrose	East	Greenhill to a point 40 feet northerly therefrom	Anytime"
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and by adding to Section "F" thereof the following item, namely:

"Arvin	South	from 196m west of Green Road to 93m westerly	Anytime"
Avenue			

5. Schedule 14 (Wheelchair Loading Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

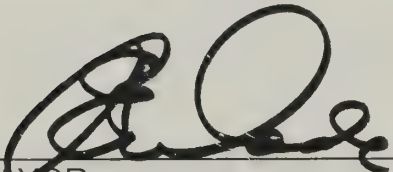
"Ambrose	East	from 33.5m north of Greenhill to 10.7m northerly	Anytime"
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and by deleting from Section "E" thereof the following item, namely:

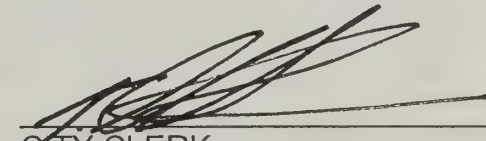
"Ambrose	East	35 feet	110 feet north of	7:00 am – 6:00 pm"
			Greenhill	Monday to Saturday

6. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
7. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 9th day of April, 2003.



MAYOR



CITY CLERK

CA4 ON HBL A08

B91

2003

Authority: Item 1, Committee of the
Whole Report 03-009
(FCS03071)
CM: April 9, 2003

Bill No. 087

THE CITY OF HAMILTON

BY-LAW NO 03-087

TO AMEND BY-LAW 01-084

**BEING A BY-LAW TO APPOINT MUNICIPAL LAW ENFORCEMENT OFFICERS
FOR THE CITY OF HAMILTON**

WHEREAS Section 15(1) of the Police Services Act R.S.O. 1990, c.P.15, as amended, authorizes the council of any municipality to appoint one or more Municipal Law Enforcement Officers, who shall be peace officers for the purposes of enforcing the by-laws of the municipality;

AND WHEREAS Section 227 of the Municipal Act, S.O. 2001, c.25, as amended, provides that it is the role of the officers and employees of the municipality to implement council's decisions and to carry out other duties assigned by the municipality;

AND WHEREAS Section 428 of the Municipal Act, as amended, provides that where a municipality has a power of entry under the Act, the power shall be exercised by an employee or agent of the municipality;

AND WHEREAS the Council of the City of Hamilton, on the 15th day of May 2001, did pass and enact By-law No. 01-084, being a by-law to appoint Municipal Law Enforcement Officers for the City of Hamilton;

AND WHEREAS it is necessary to amend By-law No. 01-084;

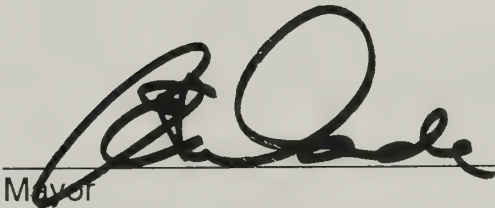
NOW, THEREFORE, the Council of the City of Hamilton enacts as follows:

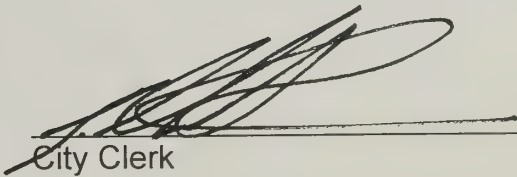
1. Schedule A of By-law No. 01-084 is hereby amended by adding thereto the following names:

"Colby Constant
Paul Brown
Melissa Goodson
Michael Newell
Mark Webb"

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-084, including the Schedule thereto, is hereby confirmed unchanged.
3. This By-law shall come into force and effect on the date of its passing and enactment.

PASSED AND ENACTED this 9th day of April, 2003.



Mayor

City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 03-088

To Confirm the Proceedings of City Council at its meeting held on April 9, 2003

THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:

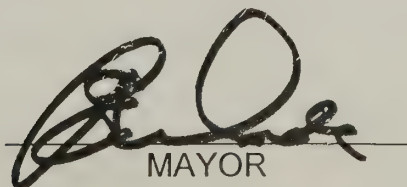
1. The Action of City Council at its meeting held on the 9th day of April, 2003 in respect of each recommendation contained in:

Report 03-009 of the Committee of the Whole,
Report 03-010 of the City Clerk,
Report 03-012 of the Hearings Sub-Committee,
Report 03-013 of the Hearings Sub-Committee,
Report 03-001 of the Grants Sub-Committee,

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED and ENACTED this 9th day of April, 2003



MAYOR



CITY CLERK

Bill No. 089

CITY OF HAMILTON

BY-LAW NO. 03-089

To Amend By-law No. 01-215
Being a By-law To Regulate Traffic

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Westlawn	Eastbound	Krieghoff"
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and by deleting from Section "E" thereof the following item, namely:

"Westlawn	Northbound	Krieghoff"
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2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 23rd day of April, 2003


MAYOR
A/CLERK

CITY OF HAMILTON

BY-LAW NO. 03-090

To Amend the Waterworks By-law No. R84-026, as amended

WHEREAS on the 20th day of March, 1984, the Council of The Regional Municipality of Hamilton-Wentworth enacted By-law No. R84-026, being a By-law respecting the management and maintenance of the waterworks system of The Regional Municipality of Hamilton-Wentworth and the establishment of water rates and charges.

AND WHEREAS pursuant to the City of Hamilton Act, 1999 S.O. 1999, c. 14, Schedule "C", The Regional Municipality of Hamilton-Wentworth was dissolved on January 1, 2001 and the City of Hamilton stands in the place of The Regional Municipality of Hamilton-Wentworth for all purposes;

AND WHEREAS pursuant to the City of Hamilton Act, 1999, S.O. 1999, c. 14, Schedule "C", every by-law of an old municipality, such as the former Regional Municipality of Hamilton-Wentworth, that is in force on December 31, 2000 shall be deemed to be a by-law of the City of Hamilton until it expires or is repealed or amended to provide otherwise;

AND WHEREAS on December 17, 2002, City Council approved By-law 02-377, being a by-law to further amend By-law No. R84-026, as amended;

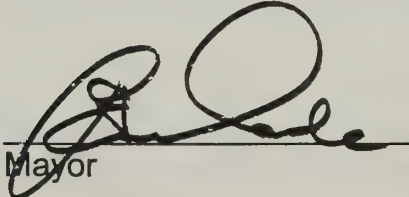
AND WHEREAS it is necessary to further amend By-law No. R84-026, as amended, to correct inadvertent discrepancies resulting from the amendments to said By-law contained in By-law 02-377;

NOW THEREFORE, the Council of the City of Hamilton enacts as follows:

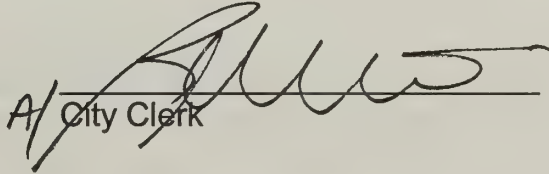
1. That The Regional Waterworks By-law No. R84-026, as amended (the "By-law") be further amended by striking out every reference in the By-law to "Regional" and by substituting in each case "City of Hamilton".
2. That sub-section 1(a) of the By-law be repealed and the following substituted therefor:
 - (a) "applicant" means the Owner or his or her Authorized Agent who may be required to sign forms supplied by the City of Hamilton authorizing various works described in this By-law.
3. That sub-section 1(c) of the By-law be repealed and the following substituted therefor:

- (c) "City of Hamilton" means the City of Hamilton as established on January 1, 2001 under the City of Hamilton Act, 1999 S.O. 1999, c. 14, Schedule "C" and its geographic area.
4. That clause 12(5)(a) of the By-law be amended by deleting the words "The Owners and Occupants of all lands" from the first line of that sub-section.
5. That clause 12(5)(b) of the By-law be amended by:
- (a) deleting the words "and the City of Stoney Creek" from the first line of that clause; and
- (b) deleting the words "Section 17" in the last line of that clause and substituting the words "Section 15" therefor.
6. In all other respects, the contents of By-law No. R84-026, as amended, are hereby confirmed unchanged.
7. That sections 1, 2, and 3 of this By-law shall be deemed to have come into force and effect as of December 22, 2001 and that sections 4 and 5 shall be deemed to have come into force and effect as of January 23, 2002.

PASSED AND ENACTED this 23rd day of April, 2003.



Mayor



City Clerk

CA4 ON HBL A08
B91
2003

Authority: Item 1, Hearings Sub-Committee
Report 03-007 (PD03003)
CM: February 26, 2003

Bill No. 091

CITY OF HAMILTON

BY-LAW NO. 03-091

To Establish Site Plan Control Respecting Land Located at Galileo Drive and Pisa Drive

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario R.S.O. 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the *City of Hamilton Act*, provides that the By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS By-law No. 3265-90 (Stoney Creek), enacted on the 23rd day of October, 1990, under Section 40 of the *Planning Act* [now Section 41 of the *Planning Act*, R.S.O. 1990, c. P.13], declared the whole of the area within the jurisdiction of the Corporation of the City of Stoney Creek to be a Site Plan Control Area, with the exception of lands zoned to allow for single detached dwelling units, semi-detached dwelling units or duplexes;

AND WHEREAS the Council to the City of Hamilton considered and found it desirable to amend By-law 3265-90 to establish site plan control on the land hereinafter referred to by approving Item 1 of the Hearings Sub-Committee Report 03-007 on February 26th, 2003;

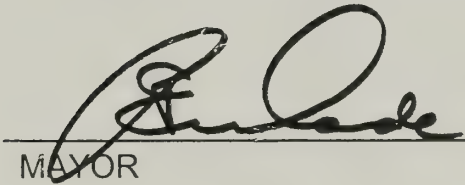
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law 3265-90 is amended by annexing thereto Schedule "A" which will form part of that By-law and Schedule "A" will list additional properties to which site plan control applies, notwithstanding Section 2 of By-law No. 3265-90.

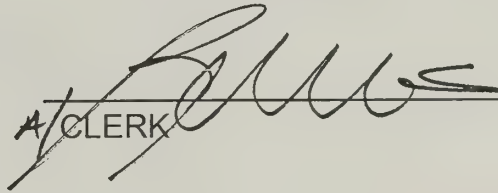
2. Schedule "A" of By-law No. 3265-90 is amended by adding the following thereto:

- "1. Land located at Galileo Drive and Pisa Drive in the former City of Stoney Creek, excluding any freehold single detached and semi-detached dwellings, shown on Appendix 1 hereto annexed and forming part of this by-law."

PASSED and ENACTED this 23rd day of April, 2003.



MAYOR



A/CLERK

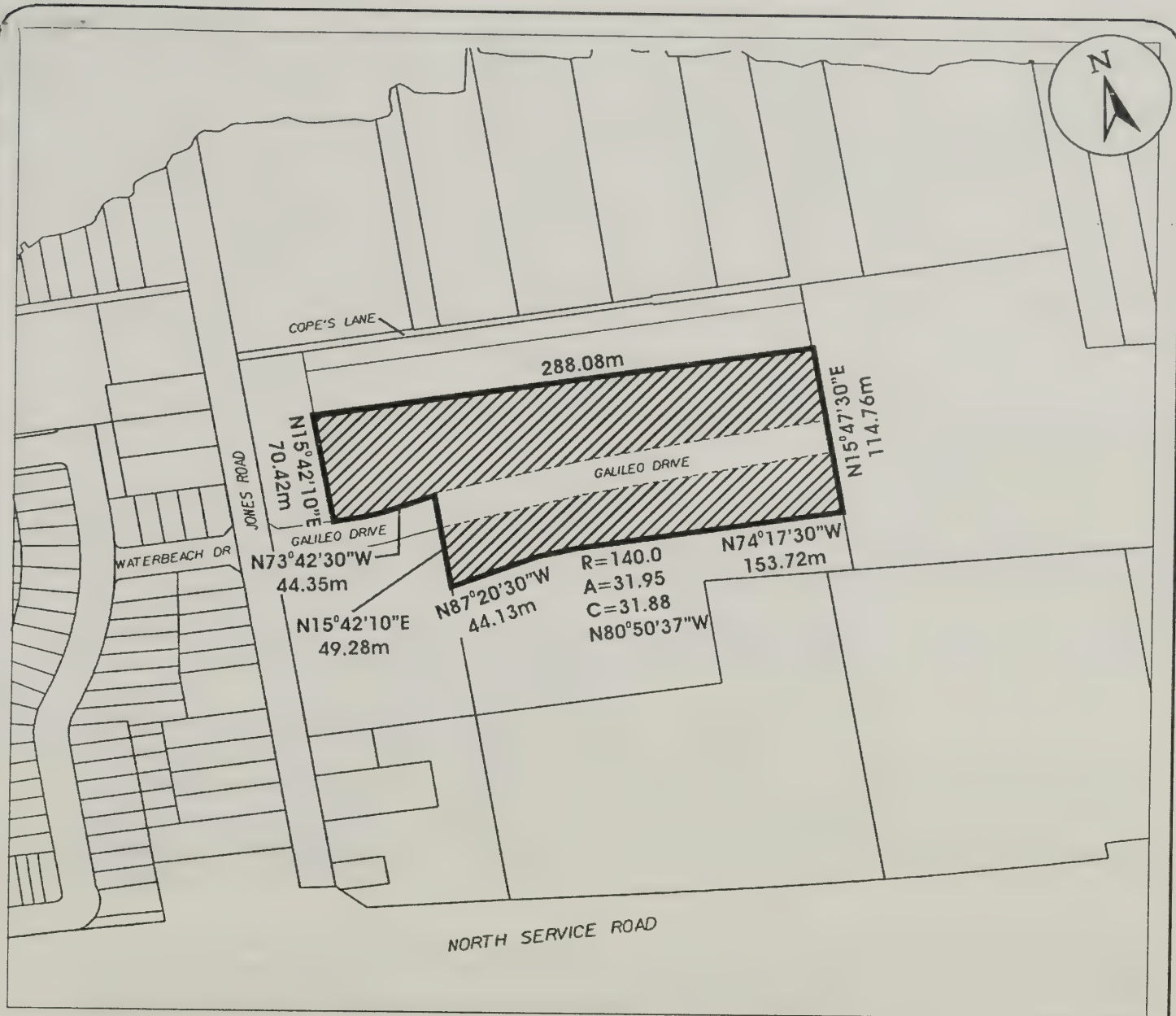
SCHEDULE "A" TO BY-LAW NO. 03-091

Schedule "A" to By-law No. 3265-90

Properties to which Site Plan Control Applies
Notwithstanding Section 2 of By-law No. 3265-90

<u>Amendment No.</u>	<u>Location</u>
----------------------	-----------------

- | | |
|----|--|
| 1. | Land located at Galileo Drive and Pisa Drive in the former City of Stoney Creek, excluding any freehold single detached and semi-detached dwellings, shown on Appendix 1 hereto annexed and forming part of this by-law. |
|----|--|



This is Appendix "1" to By-Law No. 03-091

Passed the 23rd day of April, 2003

[Signature]
Clerk
[Signature]
Mayor

Appendix "1"

to By-Law No. 3265-90



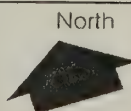
Hamilton

Planning and Development Department

Legend



Lands designated under this By-Law as an area of Site Plan Control pursuant to section 41 of the Planning Act, R.S.O. 1990.



North

Scale
NOT TO SCALE

Date
April 17, 2003

Reference File No.
ZAC-02-75

Drawn By
LM

CA4 ON HBL A08

B91

2003

Authority: Item 12 Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001

1

Bill No. 092

City of Hamilton

BY-LAW No. 03-092

Respecting:

Removal of Part Lot Control
Block 19 – Plan 62M-693, “Abbey Hill Farm – Phase 2”

WHEREAS the Planning Act, (R.S.O. 1990, Chapter P.13 sec. 50 (5) as amended) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS the Planning Act, (sec.50 (7)) states, in part, as follows:

(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.

(7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.

(7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.

(7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.

(7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.

(7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the land which is the subject of this By-law was, as of January 1st, 2001 — placed within the jurisdiction of the City of Hamilton, a new municipality incorporated as of January 1, 2001 by the City of Hamilton Act, 1999 (S.O. 1999, Chapter 14, Schedule C);

AND WHEREAS the City of Hamilton stands in the place of the former regional municipality, The Regional Municipality of Hamilton-Wentworth and in the place of the former area municipalities of the said Region;

AND WHEREAS as provided for in section 50(7.2) quoted above, this by-law is exempt from an approval in addition to this bylaw of the Council of the City of Hamilton because City Council is authorized to approve plans of subdivision under section 51 of the Planning Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

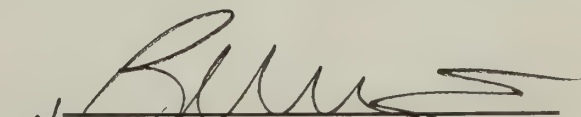
1. Subsection 5 of Section 50 of the Planning Act, for the purpose of subdividing Block 19 into 4 parcels, shall not apply to the land within the portions of the registered plan of subdivision that are designated as follows:

Block 19, Plan 62M-693, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. The time period, during which the By-law remains in force, shall expire on the following specified date: April 30, 2005.

PASSED this 23rd day of April, 2003.


MAYOR


CITY CLERK

CITY OF HAMILTON

BY-LAW NO. 03-093

**To Amend Zoning By-law No. 6593
Respecting Lands Located at 1223 Upper Sherman Avenue**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Section 1 of Report 03-012 of the Hearing Sub Committee at its meeting held on the 2nd day of April, 2003, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sheet No. E-38b of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), is amended,
 - (a) by changing from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District,

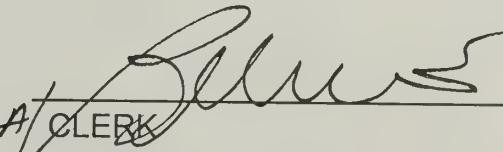
the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A".

2. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "C" District provisions.
3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

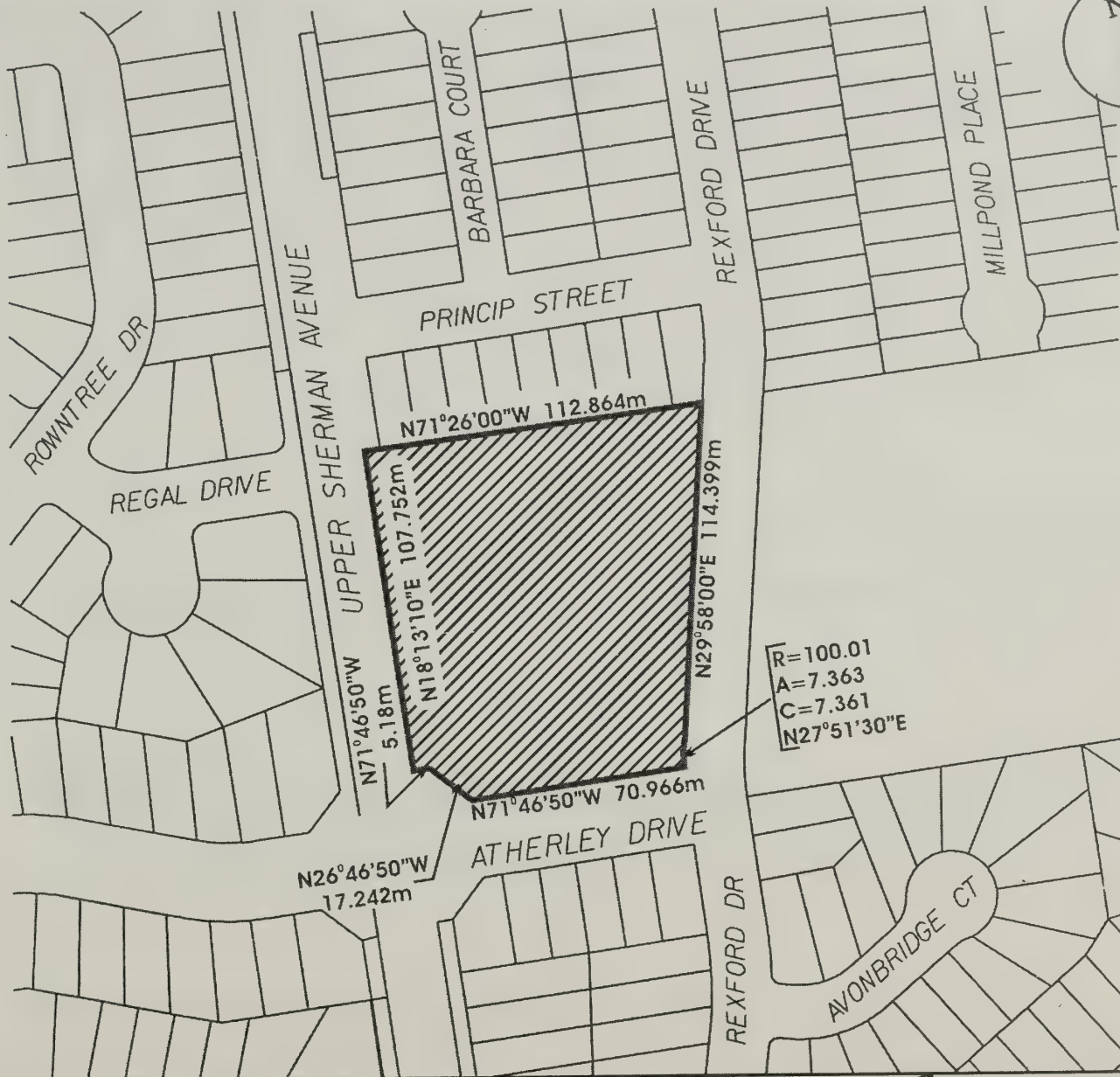
PASSED and ENACTED this 23rd day of April, 2003.



MAYOR



A/ CLERK



This is Schedule "A" to By-Law No. 03— 093

Passed the 23rd day of April, 2003

[Signature]
 Clerk
[Signature]
 Mayor

Schedule "A"

Map Forming Part of
 By-Law No. 03-093
 to Amend By-Law No. 6593



Hamilton

Planning and Development Department

Legend



Subject Property
 1223 Upper Sherman Avenue
 Change in zoning from "AA"
 (Agricultural) District to "C"
 (Urban Protected Residential, etc.)
 District

North



Scale

NOT TO SCALE

Date

April 11, 2003

Reference File No

ZAC-02-95

Drawn By

NM

CA40N HBL AD8
B91
2003

Authority: Item 5, Hearings Sub-Committee
Report: 03-014 (PD03088)
CM: April 23, 2003

Bill No. 094

CITY OF HAMILTON

BY-LAW NO. 03-094

To Adopt:

Official Plan Amendment No. 92 to the former Town of Ancaster Official Plan;

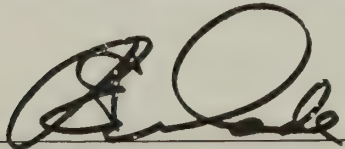
Respecting:

339 Garner Road and part of 431 Hamilton Drive, and, Lot 40, Concession 3 on lands located north of Garner Road, east of Hamilton Drive, just west of Panabaker Drive and south of Highway 403, known as the Marshall Estates

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 92 to the Official Plan of the former Town of Ancaster Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED AND ENACTED this 23rd day of April 2003.


MAYOR


CLERK

Amendment No. 92

to the

Official Plan of the Former City of Ancaster

The following text and Map 1, Land Uses of the Shaver Neighbourhood Secondary Plan, and Schedule "F", Specific Policy Areas, attached hereto, constitutes Official Plan Amendment No. 92.

Purpose:

The purpose of the Amendment is to:

1. Create a Specific Policy Area on the lands located at 339 Garner Road and part of 431 Hamilton Drive. The Specific Policy Area maintains the existing land use designations and permits an elementary school as an additional use; and,
2. Redesignate the subject lands located north of Garner Road, east of Hamilton Drive, just west of Panabaker Drive and south of Highway 403, from "High Density Residential" to "Medium Density '2'", from, "High Density Residential" and "Sub-Community Park" to "Low Density Residential", and from, "Medium Density '2' and '3', "Public Elementary School", "High Density Residential", and "Sub Community Park" to "Secondary School", to permit a secondary school and street townhouses.

Location:

The lands affected by this Amendment are located in two different areas within the Shaver Neighbourhood of the former Town of Ancaster. The first set of subject lands is located at Lot 40, Concession 3, and is situated north of Garner Road, east of Hamilton Drive, just west of Panabaker Drive and south of Highway 403. The second set of subject lands is located at 339 Garner Road and part of 431 Hamilton Drive.

Basis:

The basis for permitting this proposed Amendment is as follows:

- The change in designations will permit a secondary school, a public elementary school, and a residential development that will be more conducive to the needs of the residents in the surrounding neighbourhoods;
- The introduction of the secondary school site will address the needs of the students within the surrounding area, while being consistent with policies of the Secondary Plan; and,
- The proposal would contribute to the diversification of the local and regional housing base and allow for additional housing options to serve the City's growing population.

Actual Change:

1. Amend Schedule "F", Specific Policy Areas, by designating the subject lands located on 339 Garner Road and part of 431 Hamilton Drive, as Specific Policy Area No. 55, as shown on the attached Schedule "F" of this Amendment.
2. Amend Map 1, Land Uses of the Shaver Neighbourhood Secondary Plan, by redesignating the subject lands from "High Density Residential" to "Medium Density '2'", from, "High Density Residential" and "Sub-Community Park" to "Low Density Residential", and from, "Medium Density '2' and '3', "Public Elementary School", "High Density Residential", and "Sub Community Park" to "Secondary School", as shown on attached Map 1 of this Amendment.
3. That Subsection 5.7, Other Specific Policy Areas, be amended by adding the following as Policy 5.7.49:

"5.7.49 In addition to the High Density Residential, Medium Density Residential '3', and Open Space and Conservation designations for the subject lands located at 339 Garner Road and part of 431 Hamilton drive, as identified as Specific Policy Area No. 55 on Schedule "F", Specific Policy Areas, an elementary school is a permitted use."

4. Delete Policy 5.10.8, and renumber Policies 5.10.9 and 5.10.10 accordingly.
5. That Policy 6.2.5.1 (m) i), be deleted and replaced with the following new policy:
"6.2.5.1 (m) i) schools (public or separate, elementary or secondary school);"
6. That Policies 6.2.5.2 (a), (b), (h) i), and (j) be deleted and replaced with the following new policies:

"6.2.5.2 (a) One separate elementary school and one secondary school have been identified on Map 1 – Land Use to serve the Shaver Neighbourhood.

As per Policy 5.7.49, Specific Policy Area No. 55, permits an elementary public school.

- (b) The Shaver Neighbourhood may be served with secondary school facilities located outside of the neighbourhood.
- (h) i) Where practical, separate open space walkway/bikeway linkages to the schools shall be provided from surrounding parts of the neighbourhood.

- (j) In the event that a designated elementary school site is not required by the applicable school board and is not acquired by the Town for parkland, it may be developed for single detached dwellings on lots which are compatible in size and frontage with typical lots adjacent the school site and in conformity with all other policies of this Secondary Plan. This policy does not pertain to Specific Policy Area No. 55."

7. That Policies 6.2.5.2 (c), (d), (e) and (g) be deleted and that Policy 6.2.5.2 be renumbered accordingly.

8. That Policies 6.2.5.5 (a) ii), vii), be deleted and replaced with the following new policies:

"6.2.5.5 (a) ii) permitted uses shall include retail and personal service uses to serve the day-to-day needs of the Shaver Neighbourhood residents such as a milk store, variety store, drug store, dry cleaning depot, walk-in medical clinic or community service office, and fast food outlet(s);

vii) The convenience commercial facility shall comply with the access requirements of the City of Hamilton."

9. That Policies 6.2.5.6 (a) iii), (c), (d), (f), (g), (n), be deleted and replaced with the following new policies:

"6.2.5.6 (a) iii) school playfields;

(c) The Town shall encourage the development of a linked open space system in the Shaver Neighbourhood incorporating the sub-community park, neighbourhood park, schools, Big Creek valleylands, wooded areas and pedestrian walkways through the approval of plans of subdivision.

(d) In the Shaver Neighbourhood, approximately 7.0 ha of sub-community park shall be established in a complex along with an elementary and secondary school. The park shall serve the needs of the Meadowbrook West, Shaver and Garner Neighbourhoods for higher intensity active recreational facilities. Those facilities may include lighted softball/slowpitch fields, full size soccer pitches, mini-soccer pitches, tennis courts and/or playgrounds based on the facility programming requirements of the Town of Ancaster Parks and Recreation Department. The sub-community parkland shall be assembled and the recreational facilities provided by the Town using the provisions of the

Planning Act and the *Development Charges Act* as well as other means available to the municipality. Adequate automobile parking areas shall be provided in the sub-community park.

- (f) In the event that the Town of Ancaster acquires alternate lands for sports field facilities outside of the Shaver Neighbourhood, approximately 5.0 ha of the approximate 7.0 ha sub-community park may then be used for Low Density Residential development, and approximately 2.0 ha shall be used for a neighbourhood park. The residential development shall be on lots, which are compatible in area and frontage with typical lots on adjacent lands and shall be in conformity with all other policies of this Secondary Plan. The neighbourhood park should be located in proximity to elementary or secondary schools and High Density Residential development and located towards the westerly end of the sub-community park site.
- (g) A 6 m walkway shall be established along the Highway 53 corridor connecting the sub-community park/schools complex, the westerly neighbourhood park, the Big Creek valleylands and wooded areas protected in Open Space and Conservation, the planned Duff's Corners mixed use commercial/industrial area to the west, the Garner Neighbourhood and the Meadowlands Community to the east and via Hamilton Drive and Meadowbrook Drive, the Meadowbrook West Neighbourhood and the Ancaster Community Centre complex to the north.
- (n) Within the Shaver Neighbourhood the planned residential areas, the westerly neighbourhood park, the sub-community park/schools complex and the publicly owned Open Space and Conservation lands shall be linked by a pedestrian/bikeway system utilizing a combination of open space walkways and sidewalks within the roadways. The internal pedestrian/bikeway system shall be connected to the planned Duff's Corners mixed use commercial/industrial area to the west and the Maple Lane Annex subdivision in the Garner Neighbourhood to the east. The open space walkways shall not cross or provide public access to privately owned Open Space and Conservation lands without the landowner's consent. "

10. That Policy 6.2.6.2 (c), be deleted and replaced with the following new policy:

"6.2.6.2 (c) Draft plans of subdivision should be designed to provide convenient access to public transit as well as the schools, the sub-community park, neighbourhood park, convenience commercial facility and other community facilities in the Shaver Neighbourhood."

11. That Subsection 6.2.7, Heritage Policies, be amended by adding the following as Policy 6.2.7.2 (h):

"6.2.7.2 (h) Notwithstanding the heritage policies contained in Policy 6.2.7.2, the stone structure referred to as the Marshall House and located in Lot 40, Concession 3, in the Former Town of Ancaster, shall be retained, conserved and incorporated into the permitted development for the area designated as Low Density Residential.

The features of the Marshall House that shall be preserved as part of the adaptive re-use of the structure include the two storey, three bay, stone structure constructed in the vernacular Italianate style and its distinguishing elements including the pedimented projecting frontispiece, containing a door flanked by sidelights and transom surmounted by an arched window, all windows, stone sills and lintels, and a hipped roof.

New rear additions to the building may be permitted to accommodate adaptive re-use."

12. That Policy 6.2.8.4 (a), be deleted and replaced with the following new policy:

"6.2.8.4 (a) Principal Local Roads shall be for the movement of traffic within/across the Shaver Neighbourhood as well as residential access within the neighbourhood. The Principal Local Roads for moving traffic across the neighbourhood and serving the schools/sub-community park complex are shown on Map1 – Land Use."

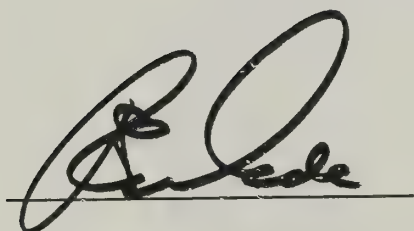
13. That Policy 6.2.9.4 (c), be deleted and replaced with the following new policy:

"6.2.9.4 (c) Applicants for development proposals shall prepare a site specific Storm Water Management Plan for their lands complying with and incorporating/implementing the requirements of the Master Drainage Plan to the satisfaction of the City of Hamilton, the Grand River Conservation Authority, Ministry of Transportation and the Ministry of the Environment and Energy, prior to receiving final plan of subdivision approval for those developments."

Implementation:

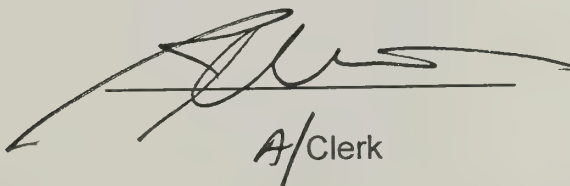
A Zoning By-Law amendment will give effect to the intended use on the subject lands.

This is Schedule "1" to By-law No. 03-094 passed on the 23rd day of April, 2003.

A handwritten signature in black ink, appearing to read "B. Deane", is written over a horizontal line.

Mayor

The City of Hamilton

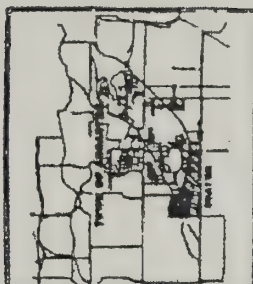
A handwritten signature in black ink is written over a horizontal line. Below the signature, the text "A/Clerk" is printed.

A/Clerk

Map 1, Land Uses Shaver Neighbourhood
Amendment No. 92
to the Former Town of Ancaster Official Plan

- Redesignate from "High Density Residential" to "Medium Density 2"
- Redesignate from "High Density Residential" and "Sub-Community Park" to "Low Density Residential"
- Redesignate from "Medium Density 2, 3" and "Public Elementary", "High Density Residential" and "Sub-Community Park" to "Secondary School"

Date: April 2003
Revised by: Kyle MacIntyre
Reference File No.: OPA 92 (A)



KEY PLAN

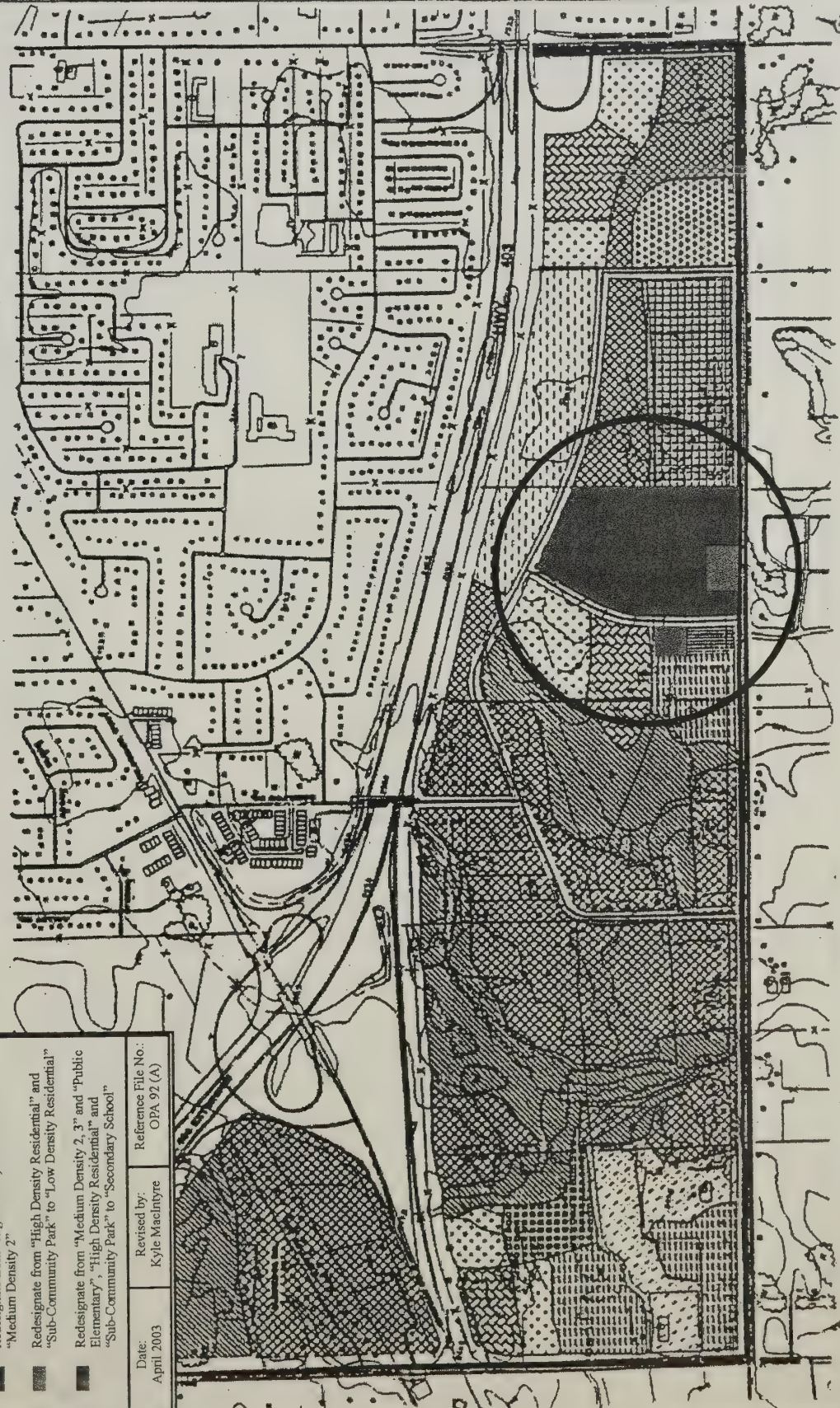
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL 1
- MEDIUM DENSITY RESIDENTIAL 2
- MEDIUM DENSITY RESIDENTIAL 3
- HIGH DENSITY RESIDENTIAL
- SECONDARY SCHOOL
- INFANTS ELEMENTARY SCHOOL
- DAYCARE/CHILD COMMERCIAL
- INSTITUTIONAL
- SUB-COMMUNITY PARK
- NEIGHBOURHOOD PARK
- OPEN SPACE AND GREENWAYS/TOUR
- ARTERIAL ROAD
- COLLECTION ROAD
- LOCAL ROAD
- OPEN SPACE LINEAGE

WORKING
SCALE 1:1,000

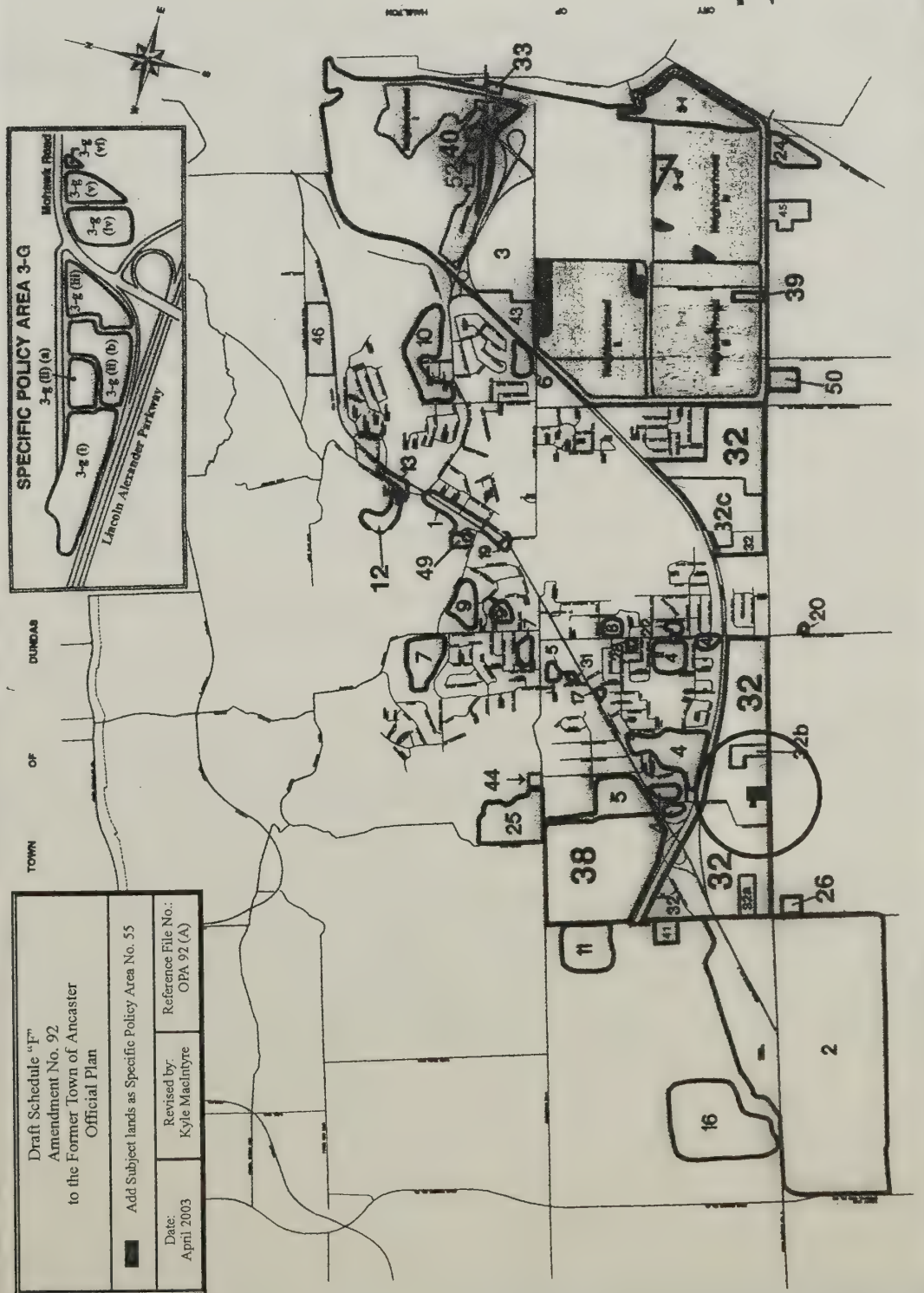
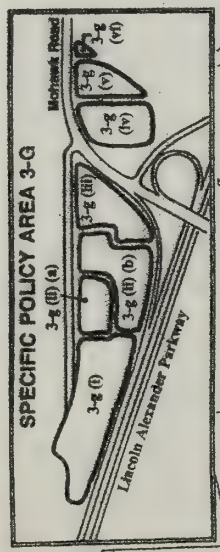
TOWN OF
ANCASTER

SHAVEN
NEIGHBOURHOOD

MAP 1
LAND USES



Draft Schedule "F"	
Amendment No. 92	
to the Former Town of Ancaster	
Official Plan	
Add Subject lands as Specific Policy Area No. 55	
Date: April 2003	Revised by: Kyle MacIntyre
	Reference File No.: OPA 92 (A)



Legend
Specific Policy Areas
 Area 1 - refer to subsection 5.4
 Area 2 - refer to subsection 5.5
 Area 3 - refer to subsection 5.6

3-1 refer to Policy 5.6.10
 3-2 refer to Policy 5.6.11
 3-3 refer to Policy 5.6.12

Area 4 - refer to Policy 5.7.1
 Area 5 - refer to Policy 5.7.2
 Area 6 - refer to Policy 5.7.3
 Area 7 - refer to Policy 5.7.4
 Area 8 - refer to Policy 5.7.5
 Area 9 - refer to Policy 5.7.6
 Area 10 - refer to Policy 5.7.7
 Area 11 - refer to Policy 5.7.8
 Area 12 - refer to Policy 5.7.9
 Area 13 - refer to Policy 5.7.10
 Area 14 - refer to Policy 5.7.11
 Area 15 - refer to Policy 5.7.12
 Area 16 - refer to Policy 5.7.13
 Area 17 - refer to Policy 5.7.14
 Area 18 - refer to Policy 5.7.15
 Area 19 - refer to Policy 5.7.16
 Area 20 - refer to Policy 5.7.17
 Area 21 - refer to Policy 5.7.18
 Area 22 - refer to Policy 5.7.19
 Area 23 - refer to Policy 5.7.20
 Area 24 - refer to Policy 5.7.21
 Area 25 - refer to Policy 5.7.22
 Area 26 - refer to Policy 5.7.23
 Area 27 - refer to Policy 5.7.24
 Area 28 - refer to Policy 5.7.25
 Area 29 - refer to Policy 5.7.26
 Area 30 - refer to Policy 5.7.27
 Area 31 - refer to Policy 5.7.28
 Area 32 - refer to Policy 5.7.29
 Area 33 - refer to Policy 5.7.30
 Area 34 - refer to Policy 5.7.31
 Area 35 - refer to Policy 5.7.32
 Area 36 - refer to Policy 5.7.33
 Area 37 - refer to Policy 5.7.34
 Area 38 - refer to Policy 5.7.35
 Area 39 - refer to Policy 5.7.36
 Area 40 - refer to Policy 5.7.37
 Area 41 - refer to Policy 5.7.38
 Area 42 - refer to Policy 5.7.39
 Area 43 - refer to Policy 5.7.40
 Area 44 - refer to Policy 5.7.41
 Area 45 - refer to Policy 5.7.42
 Area 46 - refer to Policy 5.7.43
 Area 47 - refer to Policy 5.7.44
 Area 48 - refer to Policy 5.7.45
 Area 49 - refer to Policy 5.7.46
 Area 50 - refer to Policy 5.7.47

SPECIFIC POLICY AREAS
SCHEDULE F
 TO THE OFFICIAL PLAN
 OF THE TOWN OF ANCASTER
 REVISED: 12/08/02

CA4 DN HBL A08
B91
2003

Authority: Item 5, Hearings Sub-Committee
Report 03-014 (PD03088)
CM: April 23, 2003

Bill No. 095

CITY OF HAMILTON

BY-LAW NO. 03-095

**To Amend Zoning By-law No. 87-57 (Ancaster), as amended
Respecting Part of Lot 40, Concession 3 (Marshall Estates) and 339 Garner
Road West and 431 Hamilton Drive (Ancaster)**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the Town of Ancaster" and is the successor to the former regional municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Section 5 of Report 03-014 of the Hearing Sub-Committee at its meeting held on the 16th day of April, 2003, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the City of Hamilton (the Official Plan of the former Town of Ancaster), approved by the Minister under the Planning Act on July 6, 1984, as amended by Official Plan Amendment No. 92 proposed by the Corporation of the City of Hamilton as By-law No. 03-095, but not yet approved in accordance with the provisions of the Planning Act.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule "B" of Zoning By-law No. 87-57 (Ancaster), as amended, is hereby amended;
 - (a) by changing from Agricultural "A-216" Exception Zone and Rural Commercial "C5-267" Exception Zone to Institutional "I-495" Exception Zone, for lands comprised in **Blocks "1 & 2"**;
 - (b) by changing from Agriculture "A-216" Exception Zone to Residential "R3-497" Zone, for lands comprised in **"Block 3"**;
 - (c) by changing from Agriculture "A-216" Exception Zone to Residential "R3", for lands comprised in **Block "4"**;
 - (d) by changing from Agricultural "A-216" Exception Zone to Neighbourhood Commercial "C1-491" Exception Zone, for lands comprised in **Block "5"**;
 - (e) by changing from Agricultural "A-216" Exception Zone to Residential Multiple "RM4-492" Exception Zone, for lands comprised in **Blocks "6 & 9"**;
 - (f) by changing from Agricultural "A-216" Exception Zone to Residential Multiple "RM2-493" Exception Zone, for lands comprised in **Blocks "7 & 8"**;
 - (g) by changing from Agricultural "A-216" Exception Zone to Public "P" Zone, for lands comprised in **Blocks "10 & 14"**;
 - (h) by changing from Agricultural "A-216" Exception Zone to Public Open Space "O2" Zone, for lands comprised in **Block "11"**;
 - (i) by changing from Agricultural "A-216" Exception Zone to Residential "R4-494" Exception Zone, for lands comprised in **Block "12"**;
 - (j) by changing from Agricultural "A-216" Exception Zone to Residential "R5-411" Exception Zone, for lands comprised in **Block "13"**;
 - (k) by changing from Agricultural "A-216" Exception Zone to Residential "R5-410" Exception Zone, for lands comprised in **Block "15"**; and,

- (l) by changing from Agricultural "A-216" Exception Zone to Agricultural "H-A-496" Exception Holding Zone, for lands comprised in **Block "16"**;

the extent and boundaries of which more particularly shown on Schedule "A" annexed hereto and forming part of this by-law.

2. That the amending By-law apply to the Holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to those lands zoned Agricultural "A-496" (**Block 16**) by introducing the holding symbol "H" as a suffix to the proposed zone. The holding provision will only apply to the use of the lands as an elementary school and shall not be removed until such time as the following conditions have been completed:

- (i) adequate setback limits have been established for the protection of the wetlands and watercourses and stormwater management has been approved, to the satisfaction of the Grand River Conservation Authority, as it applies only to the use of the elementary school; and,
- (ii) that the owner/applicant shall carryout an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found all to the satisfaction of the City of Hamilton's Planning and Development Department and the Ministry of Culture.

City Council may remove the "H" symbol and, thereby give effect to the Agricultural "A-496" Zone, by enactment of an amending By-law once the conditions are fulfilled;

3. Section 34: Exceptions of Zoning By-law 87-57 (Ancaster), as amended, is hereby further amended by adding the following subsections:

I-495 That notwithstanding the provisions of the "I" (Institutional) Zone of Section 30.2 of Zoning By-law No. 87-57 (Ancaster) the following special provisions shall apply to the lands zoned "I-495":

Development Regulations:

- (1) Maximum Height - 14.2 metres; and
- (2) All other applicable regulations of the Institutional "I" Zone shall apply.

R3-497 That notwithstanding the provisions of the “R3” (Residential) Zone of Section 11.3 of Zoning By-law No. 87-57(Ancaster) the following special provisions shall apply to the lands zoned “R3-497”:

Permitted Use:

A Detached Dwelling, where such a use shall only be permitted within the building existing at the time of passing of this by-law

C1-491 That notwithstanding the provisions of the Neighbourhood Commercial “C1” Zone of Sections 22.1 and 22.2, of Zoning By-law 87-57, the following special provisions shall apply to the lands zoned “C1-491”:

Permitted Uses

Permitted Uses – Fast Food Restaurants not to exceed 2 such restaurants

Development Regulations

- (1) Maximum Gross Floor Area for a Fast Food Restaurant shall be 233 square metres; and,
- (2) All other applicable regulations of the Neighbourhood Commercial “C1” Zone shall apply.

RM4-492 That notwithstanding the provisions of the Residential Multiple “RM4” Zone of Section 17.2, of Zoning By-law 87-57, the following special provisions shall apply to the lands zoned “RM4-492”:

Development Regulations

- (1) Maximum Density – 37 dwelling units per hectare plus an additional 5 dwelling units per hectare where all parking spaces (excluding required visitor parking) are provided under landscaped grounds or inside a building, plus 2 additional dwelling units per hectare where the lot abuts lands zoned Public Open Space “O2” which lands are not less than 2 hectares in area, to a maximum density of 44 dwelling units per hectare;

- (2) Minimum Landscaping – 40 percent of the lot area (including required privacy areas);
- (3) Building Separation – Rear Wall to Façade Wall 18.0 metres; and,
- (4) All other applicable regulations of the Residential Multiple Zone “RM4” zone shall apply.

RM2-493 That notwithstanding the provision of the Residential Multiple “RM2” Zone of Section 15.2, of Zoning By-law 87-57, the following special provisions shall apply to the lands zoned “RM2-493”:

Development Regulations

- (1) Minimum Lot Area – 900 square metres of total parcel area per dwelling and 180 square metres per dwelling unit;
- (2) Minimum Lot Frontage – 30 metres of total parcel frontage per dwelling and 6.1 metres per dwelling unit except:
 - (i) On a corner lot the minimum lot frontage for a dwelling end unit adjacent to the flanking street shall be 10.75 metres
 - (ii) For a dwelling end unit which does not abut a flanking street the minimum lot frontage shall be 7.6 metres;
- (3) Maximum Lot Coverage – 44% of total parcel area per interior unit and 35% of total parcel per end unit;
- (4) Minimum Side Yard - 1.5 metres for a dwelling end unit which does not abut a flanking street and for a dwelling end unit abutting a flanking street the minimum side yard shall be 7.5 metres plus any applicable distance as specified in Schedule “C”; and,
- (5) All other applicable regulations of the Residential Multiple “RM2” Zone shall apply.

R4-494 That notwithstanding the provisions of the Residential “R4” Zone of Section 12.2, Zoning By-law 87-57, the following special provisions shall apply to the lands zoned “R4-494”:

Development Regulations

- (1) Minimum Rear Yard – 7.5m, except on any lots backing onto Highway 403 the minimum rear yard shall be 14 metres; and,
- (2) All other applicable regulations of the Residential “R4” Zone shall apply.

H-A-496 That notwithstanding the provisions of the Agricultural “A-216” Exception Zone of Section 34.1, of Zoning By-law 87-57, the following special provisions shall apply to the lands zoned “H-A-496”:

Permitted Uses

The uses permitted under the Agricultural “A-216” Exception Zone shall continue to apply, wherein the following additional use shall also apply:

- Elementary School

Development Regulations

Notwithstanding the regulations of Section 8: Agricultural “A” Zone the regulations of Section 30: Institutional “I” Zone shall apply to the Elementary School, in addition to the following:

- (1) Prior to the erection of any permitted building, a Fill, Construction and Alteration to Waterways Permit shall be obtained from the Grand River Conservation Authority, where required by the said Authority; and,
- (2) That the Holding “H” only be lifted upon:
 - (i) the determination of adequate setback limits have been established for the protection of the wetlands and watercourses and stormwater management has been approved, to the satisfaction of the Grand River Conservation Authority, as it applies only to the use of the elementary school; and,

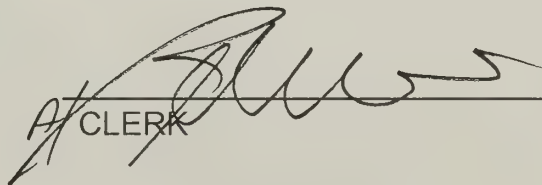
(iii) That the owner/applicant shall carryout an archaeological assessment of the entire development property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found all to the satisfaction of the City of Hamilton's Planning and Development Department and the Ministry of Culture.

4. That the amending By-law be added to Map B of Ancaster Zoning By-law No. 87-57.
5. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 23rd day of April, 2003.



MAYOR



CLERK



This is Schedule "A" to By-Law No. 03-095

Passed the 23rd day of April, 2003

[Signature]
Clerk
[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-095
to Amend By-Law No. 87-57



Hamilton

Planning and Development Department



Subject Property
2nd Corner Block West, Ardenway
Change in Zoning from "C-2" to "C-3"



Subject Property
1st Corner Block West, Ardenway
Change in Zoning from "C-2" to "C-3"



Subject Property
2nd Corner Block West, Ardenway
Change in Zoning from "C-2" to "C-3"

Block 16: Agricultural "A" Zone

Block 17: Residential "R-1" Zone

Block 18: Residential "R-1" Zone

Block 19: Residential "R-1" Zone

Block 20: Residential "R-1" Zone

Block 21: Residential "R-1" Zone

Block 22: Residential "R-1" Zone

Block 23: Residential "R-1" Zone

Block 24: Residential "R-1" Zone

Block 25: Residential "R-1" Zone

Block 26: Residential "R-1" Zone

Block 27: Residential "R-1" Zone

Block 28: Residential "R-1" Zone

Block 29: Residential "R-1" Zone

Block 30: Residential "R-1" Zone

Block 31: Residential "R-1" Zone

Block 32: Residential "R-1" Zone

Block 33: Residential "R-1" Zone

Block 34: Residential "R-1" Zone

Block 35: Residential "R-1" Zone

Block 36: Residential "R-1" Zone

Block 37: Residential "R-1" Zone

Block 38: Residential "R-1" Zone

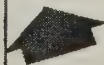
Block 39: Residential "R-1" Zone

Block 40: Residential "R-1" Zone

Block 41: Residential "R-1" Zone

Block 42: Residential "R-1" Zone

North



Scale

NOT TO SCALE

Date

March 12, 2003

Reference File No.

OPA-02-17, ZAC-02-69,

25T-98002(R)

Drawn By

LM

CA4 ON HBL A08
B91
2003

Authority: Item 7, Hearings Sub-Committee
Report: 03-014 (PD02201(a))
CM: April 23, 2003

Bill No. 096

CITY OF HAMILTON

BY-LAW NO. 03-096

To Adopt:

Official Plan Amendment No. 12 to the Regional Municipality of Hamilton-Wentworth
Official Plan;

Official Plan Amendment No. 93 to the Town of Ancaster Official Plan;

Official Plan Amendment No. 5 to the Town of Dundas Official Plan;

Official Plan Amendment No. 91 to the Town of Flamborough Official Plan;

Official Plan Amendment No. 38 to the Township of Glanbrook Official Plan;

Official Plan Amendment No. 183 to the City of Hamilton Official Plan; and,

Official Plan Amendment No. 97 to the City of Stoney Creek Official Plan.

Respecting:

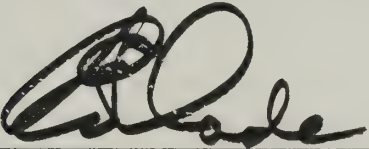
Environmentally Significant Areas Policies

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

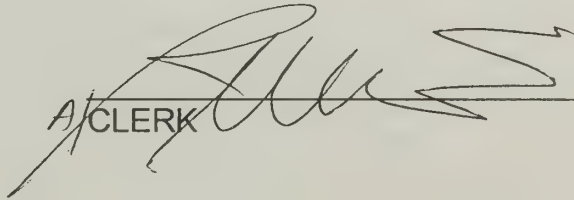
1. Amendment No. 12 to the Official Plan of the Regional Municipality of Hamilton-Wentworth Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. Amendment No. 93 to the Official Plan of the Ancaster Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
3. Amendment No. 5 to the Official Plan of the Dundas Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
4. Amendment No. 91 to the Official Plan of the Flamborough Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.

5. Amendment No. 38 to the Official Plan of the Glanbrook Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
6. Amendment No. 183 to the Official Plan of the Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
7. Amendment No. 97 to the Official Plan of the Stoney Creek Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.

PASSED AND ENACTED this 23rd day of April 2003.



MAYOR



CLERK

Amendments

to the

**Regional Municipality of Hamilton-Wentworth, Towns of Ancaster, Dundas, and
Flamborough, the Township of Glanbrook and the Cities of Hamilton and Stoney
Creek Official Plans**

The following text, together with Schedule “A” (*Map No. 4, Environmentally Significant Areas of the former Regional Municipality of Hamilton-Wentworth Official Plan*), Schedule “B” (*Schedule “D”, Environmental Plan of the former Township of Glanbrook Official Plan*), and, Schedule “C” (*Schedule “B”, Stoney Creek Open Spaces and Natural Environment System*), of the Official Plan of the former City of Stoney Creek, attached hereto, constitutes;

1. Official Plan Amendment No. 12 to the Regional Municipality of Hamilton-Wentworth Official Plan;
2. Official Plan Amendment No. 93 to the Town of Ancaster Official Plan;
3. Official Plan Amendment No. 5 to the Town of Dundas Official Plan;
4. Official Plan Amendment No. 91 to the Town of Flamborough Official Plan;
5. Official Plan Amendment No. 38 to the Township of Glanbrook Official Plan;
6. Official Plan Amendment No. 183 to the City of Hamilton Official Plan; and,
7. Official Plan Amendment No. 97 to the City of Stoney Creek Official Plan.

Purpose:

The purpose of these Amendments is to update the Environmentally Significant Areas (ESAs) sections of the Regional and Local Official Plans. The effect of the Regional Official Plan will be to add fourteen (14) new and extend five (5) Environmentally Significant Areas and provide comprehensive criteria that will aid in the identification and protection of Hamilton’s natural features.

Amendments to the former Towns of Ancaster, Dundas, Flamborough, the Township of Glanbrook, and City of Hamilton Official Plans will have the effect of updating their ESAs sections by including them in the Regional Official Plan. Furthermore, the Amendments will have the effect of deleting the ESA Schedules of the Official Plans for the Towns of Ancaster, Dundas, Flamborough, and for the City of Hamilton, while revising the ESA Schedule of the former Township of Glanbrook Official Plan by repealing the ESA and potential ESA land use designations.

The effect of the Amendment to the Official Plan of the former City of Stoney Creek is to add two (2) new ESAs to the SCONES mapping.

Location:

The lands subject to this Amendment are identified on Map No. 4, and are located within the following areas:

In the former Town of Ancaster:

1. On lands identified as **Lynden Southeast Woods** located:
 - North of Powerline Road West, South of Governor's Road, East of Lynden Road Lynden Road, West of Highway No.52.
2. On lands identified as **Copetown Woods-Summit Wetlands** located:
 - North of Powerline Road West, South of Governor's Road, East of Field Road, West of Highway No.52.
3. On lands identified as **Tiffany Creek Headwaters** located:
 - North of Garner Road East, South of Golf Links Road, East of Meadowlands Boulevard, West of Stone Church Road Extension.
4. On lands identified as **Ancaster Prairie** located:
 - North of Jerseyville Road West, South of Powerline Road West, West of Paddy Greene Road, East of Highway No.52.
5. On lands identified as **Duff's Corners South Woodlot** located:
 - North of Book Road West, South of Garner Road West, East of Trinity Road South and West of Fiddler's Green Road.
6. On lands identified as **Trinity Southeast Woodlot** located:
 - North of Sawmill Road, South of Butter Road West, East of Trinity Road South, and West of Shaver Road.

In the former Town of Flamborough:

7. On lands identified as **Hayesland Swamp** located:
 - North of Safari Road, South of Centre Road, East of Concession 10 East, West of Concession 8 East;
 - North of Concession 4 West, South of Concession 5 West, East of Valens Road, West of Middletown Road; and,
 - North of Concession 4 West, South of Concession 5 West, East of Brock Road, West of Millgrove Side Road.
8. On lands identified as **Hyde-Rockton-Beverly Complex** located:
 - North of Safari, South of Concession 8 West, East of Kirkwall Road, West of Valens Road; and,
 - North of Concession 5 West, South of Concession 6 West, East of Kirkwall Road, West of Valens Road.

9. On lands identified as **Rockton Airfield West** located:
 - North of Concession 6 West, South of Concession 8 West, East of Seaton Road, West of Kirkwall Road.
10. On lands identified as **Sheffield Complex** located:
 - North of Safari Road, South of Regional Municipality of Waterloo and City of Hamilton limits, East of Highway No.8, West of Seaton Road.
11. On lands identified as **Sager Road Woodlot** located:
 - North of Patrick Road, South of Concession 6 West, East of Brant County and the City of Hamilton limits, West of Sager Road.
12. On lands identified as **Fairchild Creek** located:
 - North of Concession 4 West, South of Concession 6 West, East of Sheffield Road, West of Lynden Road.
13. On lands identified as **Fourth Concession Wetland** located:
 - North of Concession 4 West, South of Ainsley Road, East of Lynden Road, West of Woodhill Road.
14. On lands identified as **Troy Northeast Woodlot** located:
 - North of Highway No.5, South of Concession 4 West, East of Hunter Road, West of Woodhill Road.
15. On lands identified as **Big Creek Headwaters Complex** located:
 - North of Governor's Road, South of Concession 2 West, West of Woodhill Road, East of Highway No.52.

In the former Township of Glanbrook:

16. On lands identified as **North Seneca Wetland** located:
 - North of Sawmill Road, South of Chippewa Road West, East of Glancaster Road, and West of Highway No.6.
17. On lands identified as **Sinclairville North Woodlot** located:
 - North of Hall Road, South of Kirk Road, East of Trimble Road, West of Berry Road.

In the former City of Stoney Creek:

18. On lands identified as **Community Beach Ponds** located:
 - North of the QEW, South of Lakeshore, East of Teal Avenue, West of Millen Road.
19. On lands identified as **Fifty Creek Valley (North and South)** located:

- North of Baseline Road, South of Lakeshore, East of Shippee Avenue, West of Town of Grimsby and City of Hamilton limits; and,
- North of Highway No. 8, South of South Service Road, East of Fifty Road, West of Town of Grimsby and City of Hamilton limits.

Basis:

The basis for permitting these Amendments is as follows:

1. The addition of new criteria to the Regional Official Plan for identifying Environmentally Significant Areas provides clear and defensible guidelines that will facilitate the protection of Hamilton's natural environment.
2. Adding the new Environmentally Significant Areas to the Official Plans ensures that natural areas of significance are protected resulting in a healthier environment and high quality of life for Hamilton residences.
3. The effect of the Amendment will be to delete the older Environmentally Significant Areas policies of the local Official Plans and include them in the Regional Official Plan. Subsequently, the updating of the Environmentally Significant Areas policies facilitates the movement to a current and comprehensive ESA policy for the new Official Plan for the amalgamated City of Hamilton.

Actual Changes:

1. Regional Official Plan

- 1a) That Map No. 4, Environmentally Significant Areas, be deleted and replaced with a new Map No. 4, Environmentally Significant Areas, which includes the addition of fourteen (14) new and five (5) extended Environmentally Significant areas to the existing sixty-seven (67) Environmentally Significant Areas.
- 1b) That Policy C.1.1 a) be deleted and replaced with the following new policy:

“C.1.1.a) Adopt the Natural Heritage System as the framework for conservation planning and management within this Region. The components of the system are Core Natural Areas, which include Environmentally Significant Areas, as well as Linkages and Restoration Opportunities as defined in this Plan in D 11.”
- 1c) That Policy C.1.1 f) be deleted and replaced with the following new policy:

“C.1.1 f) require that existing natural areas within the Natural Heritage System (i.e. Core Natural Areas, which include Environmentally

Significant Areas, as well as Linkages and Restoration Opportunities) be identified and that appropriate policies for their conservation be developed in secondary or neighbourhood plans, watershed plans and other policy documents. Policies guiding the review of proposals for land use change contained in these documents will address mitigation of impacts and the opportunities for enhancement through conservation or restoration of habitat.”

1d) That Policy C.1.2.2 h) be deleted and replaced with the following new policy:

“C.1.2.2 h) boundaries of Environmentally Significant Areas, found in the Regional Official Plan or Secondary Plans, are general in nature and more precise boundaries may be defined by Environmental Impact Statements (without amendment to this Plan).”

1e) That Policy C.1.2.3 be deleted in its entirety, and replaced with the following new policy:

“C.1.2.3 Proposed land use changes to ESA lands that require amendment to Area Municipality Official Plans, Secondary Plans, including Committee of Adjustments and severance applications, shall be referred to ESAIEG for evaluation.”

1f) That Part D, Section 11, Definitions, be amended by deleting the text of the Environmentally Significant Areas definition, and replaced with the following:

“Environmentally Significant Areas are Areas which meet at least one of the following criteria:

a) Significant Earth Science Feature – the Area has a distinctive and unusual landform that is significant within the City, the Province, or Canada. Examples of such Significant Earth Science Features include, but are not limited to:

- Karst;
- Glacial formations such as drumlins, kettles, eskers, moraines, kames, tombolo bars;
- Bedrock exposures such as quarries, road cuts along the escarpment; and,
- Geomorphological features such as baymouth bars, shoreline ponds, riparian landforms.

b) Significant Hydrological Feature or Function – the Area contributes significantly to at least one of, but not limited to these hydrological features or functions:

- Groundwater recharge;
 - Groundwater discharge;
 - Groundwater quality;
 - Flow attenuation; and,
 - Surface water quality.
- c) Significant Ecological Function – the Area has at least one of, but not limited to these Significant Ecological Functions:
- There is a high diversity of native species or biotic communities;
 - There are biotic communities that are rare in the City, Province or Canada;
 - The area is a good representative of a biotic community characteristic of the natural landscapes of the City and not adequately represented in existing protected areas or the area is a good representative of a pre-settlement biotic community;
 - The area is a large core natural area; it may be sufficiently large enough to provide habitat for species requiring large habitat areas;
 - The area provides essential habitat for continuation of species; for example, significant areas of species concentrations, areas essential for certain stages of life cycle, source areas for species;
 - There is significant habitat for seasonal concentrations of wildlife;
 - There is significant fish habitat;
 - The area acts as a link between natural areas or functions as a corridor for wildlife;
 - The area is in a good natural condition with few non-native species, particularly invasive non-natives; and,
 - There is habitat for species considered significant in the City, Province or Canada”.

2. Former Town of Ancaster

- 2a) That Schedule “D”, Environmentally Significant Areas, be deleted in its entirety.
- 2b) That Section 5.2, “Environmentally Sensitive Areas”, be renamed to “Environmentally Significant Areas”.
- 2c) That Section 5.2, “Environmentally Significant Areas”, be revised by adding the following text as the preamble:

“The Regional Official Plan assumes the responsibility of identifying, establishing

and amending new Environmentally Significant Areas, and provides the policy framework for conservation, protection and enhancement of the environment.”

2d) That Policies 5.2.1 to 5.2.5, inclusive, be deleted in their entirety.

2e) That Policy 5.2.6 be renumbered to 5.2.1.

2f) That Policy 5.3.2 i) be deleted and replaced with the following new policy:

“5.3.2 i) The Niagara Escarpment Plan sets out policies for a Niagara Escarpment Parks System as a framework for the establishment and co-ordination of a system of publicly owned lands on the Escarpment.

Parks which are in the Niagara Escarpment Parks System include (refer to Map No.4, Environmentally Significant Areas, of the Regional Official Plan):

- (a) Copetown Bogs
- (b) Dundas Valley
- (c) Tiffany Falls
- (d) Iroquoia Heights Conservation Area”

2g) That Policy 5.3.3 i) (c), be revised by deleting the word “sensitive” and replacing it with the word “significant”.

2h) That Policy 5.6.8 be deleted and replaced with the following new policy:

“5.6.8 Portions of both the Mohawk and Meadowlands Communities have been identified as Environmentally Significant on Map No. 4, Environmentally Significant Areas, of the Regional Official Plan, namely:

- i) Iroquoia Heights Conservation Area; and
- ii) Tiffany Creek Headwaters

Any development in these Environmentally Significant Areas shall be in accordance with the policies of Subsection 5.2 in this Plan, and with the policies of Section C 1.2, Environmentally Significant Areas, of the Regional Official Plan.”

2i) That Policy 5.6.10 be revised by deleting reference to policy “5.2.1” replacing it with “5.2”.

2j) That Policy 6.1.5.5 (b) i) be deleted and replaced with the following new policy:

"6.1.5.5 (b) i) an Environmentally Significant Area;"

- 2k) That Objective 6.5.4.2 (a), be revised by deleting the word "sensitive" and replacing it with the word "significant".
- 2l) That Policy 6.5.5.1.4 (a) iii), be revised by deleting the word "sensitive" and replacing it with the word "significant".
- 2m) That Policy 6.5.5.4.1, be revised by deleting the word "Sensitive" and replacing it with the word "Significant".
- 2n) That Policy 6.5.5.7.3 (c), be revised by deleting the word "sensitive" and replacing it with the word "significant".
- 2o) That Policy 7.11.1, be revised by deleting the reference to Schedule "D".

3. Former Town of Dundas

- 3a) That Schedule "C", Environmentally Significant Areas, be deleted in its entirety.
- 3b) That Section 2.1.7, Environmentally Significant Areas, be revised by adding the following text as the Preamble:

"The Regional Official Plan assumes the responsibility of identifying, establishing and amending new Environmentally Significant Areas, and provides the policy framework for conservation, protection and enhancement of the environment."
- 3c) That Policies 2.1.7.1 to 2.1.7.9 inclusive, and Policies 2.1.7.11 and 2.1.7.12, be deleted.
- 3d) That Policy 2.1.7.10 be renumbered as Policy 2.1.7.1.
- 3e) That Policy 5.2.1 be revised by deleting the reference to Schedule "C".
- 3f) That Policy 5.5.10 be revised by deleting reference to "Schedule "C" and replacing it with "Map No. 4, of the Regional Official Plan".
- 3g) That Policy 5.5.10.1, be deleted and replaced with the following new policy:

"5.5.10.1 prior to a change in the ZONING BY-LAW, Council will be satisfied that the proposed change is compatible with the preservation of the Environmentally Significant Area. For this purpose, Council may further require an Environmental Impact Statement in keeping with the Special Provisions for Environmentally Significant Areas detailed elsewhere in this Plan and in the Regional Official Plan;

and,”

- 3h) That Appendix A: Definitions, be revised by deleting Appendix A: Definitions c), and replacing it with the following text:

“Environmentally Significant Areas: Refer to the Regional Official Plan.”

4. Former Town of Flamborough

- 4a) That Schedule “D”, Environmentally Sensitive Areas, be deleted in its entirety.
- 4b) That Policy B.2.5 (v) be revised by deleting the word “SENSITIVE” and replacing it with the word “SIGNIFICANT”.
- 4c) That Subsection B.4, Rural Residential Estate Development, be revised by deleting the word “SENSITIVE” in the second paragraph and replacing it with the word “SIGNIFICANT”.
- 4d) That Policy B.4.3 be revised by deleting the word “SENSITIVE” and replacing it with the word “SIGNIFICANT”.
- 4e) That Policy B.6.3 (iv) be revised by deleting the word “SENSITIVE”, and replacing it with the word “SIGNIFICANT”.
- 4f) That Policy B.10.4 (iii) be revised by deleting the word “SENSITIVE” and replacing it with the word “SIGNIFICANT”.
- 4g) That Policy B.11.1.1.6 be revised by deleting the word “Sensitive”, and replacing it with the word “Significant”.
- 4h) That Subsection C.3, Environmentally Sensitive Areas, be renamed to “Environmentally Significant Areas”.
- 4i) That the Preamble to Subsection C.3, “Environmentally Significant Areas”, be deleted and replaced with the following text:
- “The Regional Official Plan assumes the responsibility of identifying, establishing and amending new Environmentally Significant Areas, and provides the policy framework for conservation, protection and enhancement of the environment.”
- 4j) That Policies C.3.1 to C.3.7, inclusive, be deleted in their entirety.
- 4k) That Policy C.3.8, be revised by deleting word “SENSITIVE” and replace it with the word “SIGNIFICANT”.
- 4l) That Policy C.3.8, be renumbered to C.3.1.

- 4m) That Policy C.3.9, be revised by deleting the uppercase word "SENSITIVE" and replacing it with the word "SIGNIFICANT"
- 4n) That Policy C.3.9, be renumbered to C.3.2.

5. Former Township of Glanbrook

- 5a) That Schedule "D", Environmental Plan, be revised by repealing the following land use designations: "Environmentally Sensitive Areas" and "Potentially Environmentally Sensitive Areas" and note be added to the map to indicate that references to ESA polices and the delineation of the ESA are contained in the Regional Official Plan.
- 5b) That Policy B.1.1.10.1 (c) be deleted and replaced with the following new policy:
 - "B.1.1.10.1 (c) The need to restrict the proposed operations within or in close proximity to a designated Urban Settlement area, Rural Settlement Area, a Hazard Land or Environmentally Significant Area, as identified on Schedule "A" – Land Use Plan and Schedule "D" – Environmental Plan, in this Plan, and on Map No. 4 – Environmentally Significant Areas, of the Regional Official Plan."
- 5c) That Policy B.1.1.10.4 be deleted and replaced with the following new policy:
 - "B.1.1.10.4 The Township shall require a rezoning where a wayside pit and/or quarry is proposed in an Urban Settlement Area as identified on Schedule "A" – Land Use Plan, or in an Environmentally Significant Area as identified on Map No. 4 – Environmentally Significant Areas, of the Regional Official Plan."
- 5d) That Policy B.1.3.8 be deleted and replaced with the following new policy:
 - "B.1.3.8 That an Environmental Impact Statement in accordance with Section C.1.2 of the Regional Official Plan shall be submitted in conjunction with a proposal for Rural Residential Estate development if proposed in an Environmentally Significant Area. Where such a proposal is located near or directly affects agricultural lands, the Environmental Impact Statement shall include an assessment of the impact of the proposal on these lands."
- 5e) That Policy B.1.5.2 (c) be revised by deleting the word "Sensitive" and replacing

it with the word "Significant".

- 5f) That Policy B.1.9.13 (f) be deleted and replaced with the following new policy:

"B.1.9.13 (f) No development shall be permitted in the northwest corner of Area 2 of the subject lands, identified as Official Plan Amendment No. 10 on Schedule "A" – Land Use Plan. The subject lands are designated as an Environmentally Significant Area (ESA) on Map No. 4 – Environmentally Significant Areas, of the Regional Official Plan, as amended, and includes Class "1" forest cover as identified on Schedule "D" – Environmental Plan. These lands are to be left in their natural condition."

- 5g) That Section C, Environmental Protection Areas, be revised by deleting the last line of the first paragraph of the Preamble, and replace it with the following:

"Schedule "D" – Environmental Plan, and Map No. 4 – Environmentally Significant Areas of the Regional Official Plan, show areas that warrant environmental protection in accordance with the policies of the following subsections:".

- 5h) That Section C, Environmental Protection Areas, be revised by deleting the bulleted reference "Environmentally Sensitive Areas", and replace it with "Environmentally Significant Area".

- 5i) That Subsection C.2, "Environmentally Sensitive Areas", be renamed "Environmentally Significant Areas".

- 5j) That Section C.2, "Environmentally Significant Areas", be revised by adding the following text as the Preamble:

"The Regional Official Plan assumes the responsibility of identifying, establishing and amending new Environmentally Significant Areas, and provides the policy framework for conservation, protection and enhancement of the environment."

- 5k) That Policies C.2.1 to C.2.11, inclusive, and Policies C.2.13 and C.2.14, be deleted.

- 5l) That Policy C.2.12, be revised by deleting the word "Sensitive" and replace it with the word "Significant".

- 5m) That Policy C.2.12 be renumbered as Policy C.2.1.

- 5n) That Policy D.1.6, be deleted and replaced with the following new policy:

"D.1.6 Consent to sever will not be permitted in areas identified as

Environmentally Significant on Map No. 4 – Environmentally Significant Areas of the Regional Official Plan, if the proposed use would detrimentally affect the environmental characteristics of the subject parcel of land. All consents for lands within an Environmentally Significant Area will be conditional upon the applicant submitting an acceptable Environmental Impact Statement, pursuant to Subsection C.1.2 of the Regional Official Plan, to the appropriate Conservation Authority and Ministry of Natural Resources for their consideration.”

6. Former City of Hamilton

- 6a) That Schedule “D”, Environmentally Significant Areas, be deleted in its entirety.
- 6b) That Policy A.2.5.2, be deleted and replaced with the following new policy:

“A.2.5.2 Notwithstanding the designation of parts of Cootes Paradise as OPEN WATER and subject to Policy A.2.9.2, Subsection A.3.2, of this Plan, and Subsection C.1.2 of the Regional Official Plan, the preferable uses of Cootes Paradise are for aesthetic, ecological, and scientific activities.”
- 6c) That Policy A.2.9.1.3 h), be revised by deleting the word “sensitive” and replacing it with the word “significant”.
- 6d) That Policy A.2.9.2.2 be deleted and replaced with the following new policy:

“A.2.9.2.2 To conform to the provisions of the PARKWAY BELT WEST Plan, it is the intent of the Plan that the Open Space and Open Water designations and related policies be utilized as indicated on Schedule “A”. In addition, parts of the PARKWAY BELT WEST lie within the Hazard Lands shown on Schedule “C” and Environmentally Significant Areas shown on Map No. 4 of the Regional Official Plan. In case of any discrepancy between the PARKWAY BELT WEST Plan and the remainder of this Plan, the provisions of the PARKWAY BELT WEST Plan will prevail.”
- 6e) That Subsection A.3.2 be renamed as “Environmentally Significant Areas”.
- 6f) That the preamble to Subsection A.3.2, “Environmentally Significant Areas” be deleted and replaced with the following text:

“The Regional Official Plan assumes the responsibility of identifying, establishing and amending new Environmentally Significant Areas, and provides the policy framework for conservation, protection and enhancement of the environment.”

6g) That Policy A.3.2.1 be deleted and replaced with the following new policy:

"A.3.2.1 Notwithstanding the land use designations shown on Schedule "A" and the accompanying policies, those lands identified on Map No. 4 of the Regional Official Plan, as ENVIRONMENTALLY SIGNIFICANT AREAS will be preserved in a natural or undisturbed state, unless a study is carried out to determine the feasibility of development in these AREAS as required in Section C.1.2 of the Regional Official Plan. In accordance with the Regional Official Plan, if it is proven that these ENVIRONMENTALLY SIGNIFICANT AREAS can be developed, then the appropriate land use designation and policies will apply. The primary uses permitted will be for open spaces, undeveloped parks, public or private recreation uses, conservation uses and those uses existing at the time of the approval of the 1995 Regional Official Plan, as amended from time to time."

6h) That Policies A.3.2.2 to A.3.2.7, inclusive, and Policies A.3.2.9 to A.3.2.11, inclusive, be deleted.

6i) That Policy A.3.2.8 be renumbered to A.3.2.2.

6j) That Policy D.3.4 be deleted and replaced with the following new policy:

"D.3.4 Further to Policy D.3.3 above, Council will enact a ZONING BY-LAW to control the use of land within, and abutting, Environmentally Significant Areas as shown on Map No. 4 of the Regional Official Plan, to the existing use. Further:

- i) Prior to a change in the ZONING BY-LAW, Council will be satisfied that the proposed change is compatible with the preservation of the Environmentally Significant Area. For this purpose, Council may further require a Environmental Impact Statement in keeping with the special provisions for Environmentally Significant Areas detailed in Section C.1.2 of the Regional Official Plan; and,
- ii) Prior to granting any change, Council may consider entering into agreement with the owner to preserve all or part of the Environmentally Significant Area in a natural or undisturbed state."

6k) That Policy 8.2 be revised by deleting the reference to Schedule "D".

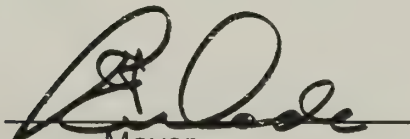
7. Former City of Stoney Creek

7a) That Schedule "B", Stoney Creek Open Spaces and Natural Environment System, be revised by adding two (2) new Environmentally Significant, as shown on the attached Schedule "B" of this Amendment.

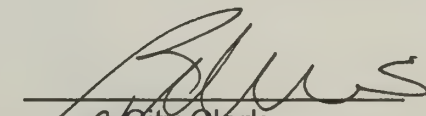
Implementation:

The provisions of Section D – Implementation, of the Official Plan for the former Regional Municipality of Hamilton-Wentworth, Section 7 – Implementation, of the Official Plan for the former Town of Ancaster, Section 5 – Implementation and Administration, of the Official Plan for the former Town of Dundas, Section F – Implementation of the Official Plan for the former Town of Flamborough, Section G – Implementation, of the Official Plan for the former Township of Glanbrook, Section D – Implementation, of the Official Plan for the former City of Hamilton, and Section F – Implementation, of the Official Plan for the former City of Stoney Creek, will give effect to the amendments.

This is Schedule "1" to By-law No. 03-096 passed on the 23rd day of April, 2003.


Mayor

City of Hamilton


City Clerk

Schedule "A" to
Amendment No. 12

Designated Subject Lands as Environmentally
Significant

Date: April, 2003
Revised By: Kyle MacIntyre
Reference File No.: ROPA 12 (r)



ENVIRONMENTALLY SIGNIFICANT AREAS

1. Mountbatten Wetland and Wildlife Centre
2. Oakville North Forests
3. Parnborough Swamp
4. Brant's Creek North
5. Oakville Swamp Wetland
6. Brant's Creek South
7. Brant's Creek Wetland
8. Brant's Creek Wetland
9. Brant's Creek Wetland
10. Brant's Creek Wetland
11. Brant's Creek Wetland
12. Brant's Creek Wetland
13. Hopedale Swamp
14. Hopedale Swamp
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Region of Halton

ENVIRONMENTALLY
SIGNIFICANT AREAS

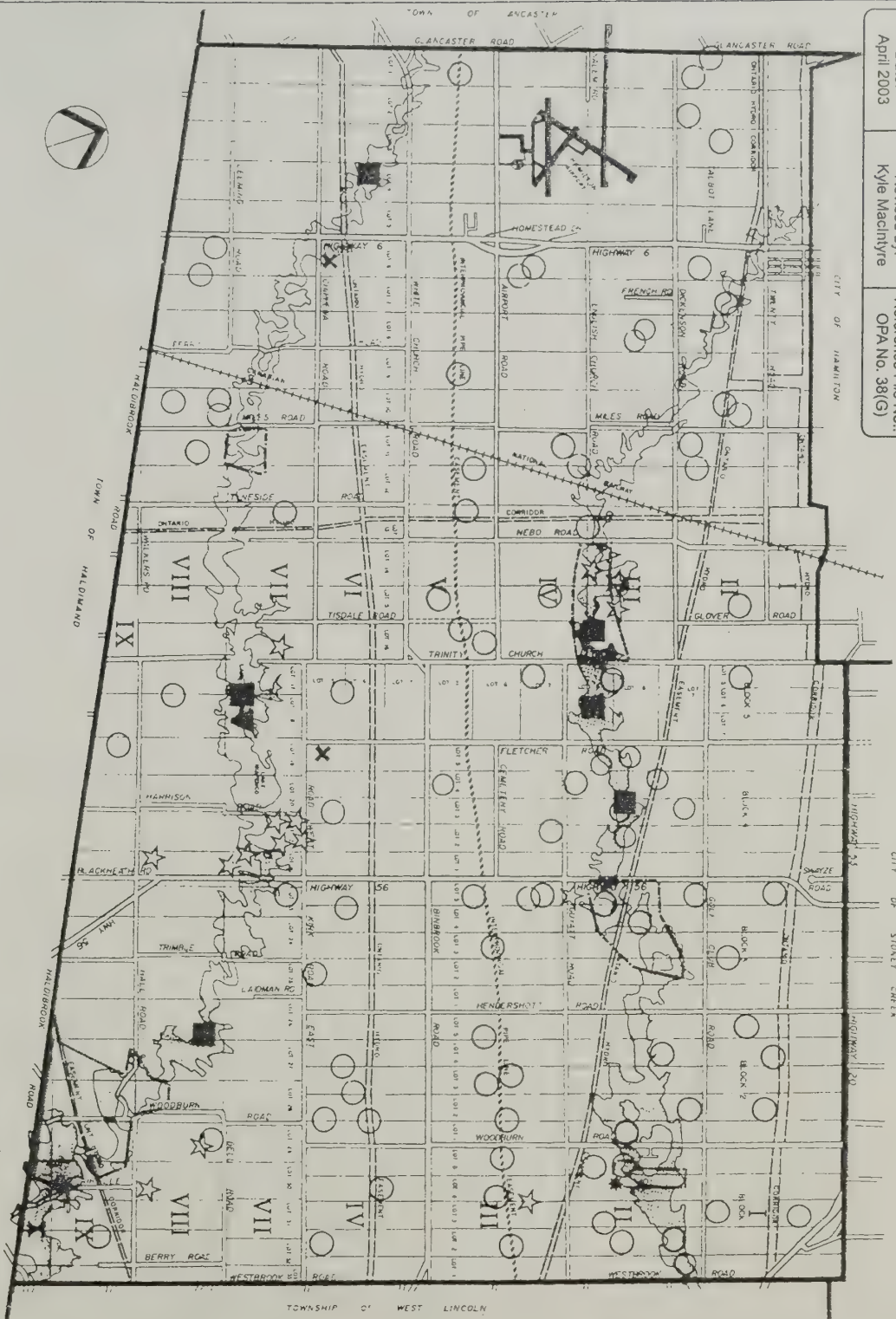
Schedule B to
Amendment No. 38

See Legend for changes
Add new note ①
and delete designations ②

Date:
April 2003

Revised by:
Kyle Macintyre

Reference File No.:
OPA No. 38(G)



OFFICIAL PLAN FOR THE TOWNSHIP of GLANBROOK

SCHEDULE 'D' ENVIRONMENTAL PLAN

LEGEND

- HAZARD LANDS
- ENVIRONMENTALLY SENSITIVE AREAS
- POTENTIAL ENVIRONMENTALLY SENSITIVE AREAS

- WILDLIFE RESOURCE AREAS
- FISHERY RESOURCE AREA
- FORMER LANDFILL SITE

WOODLAND MANAGEMENT AREAS

- MNR AGREEMENT FORESTS OR WOODLAND IMPROVEMENT ACT AGREEMENT LANDS
- CLASS '1' FOREST COVER
- AS AMENDED BY OFFICIAL PLAN AMENDMENT NO. 10

These Designations are to be repealed.

Note: For reference to ESA boundaries and policies see Regional Official Plan.

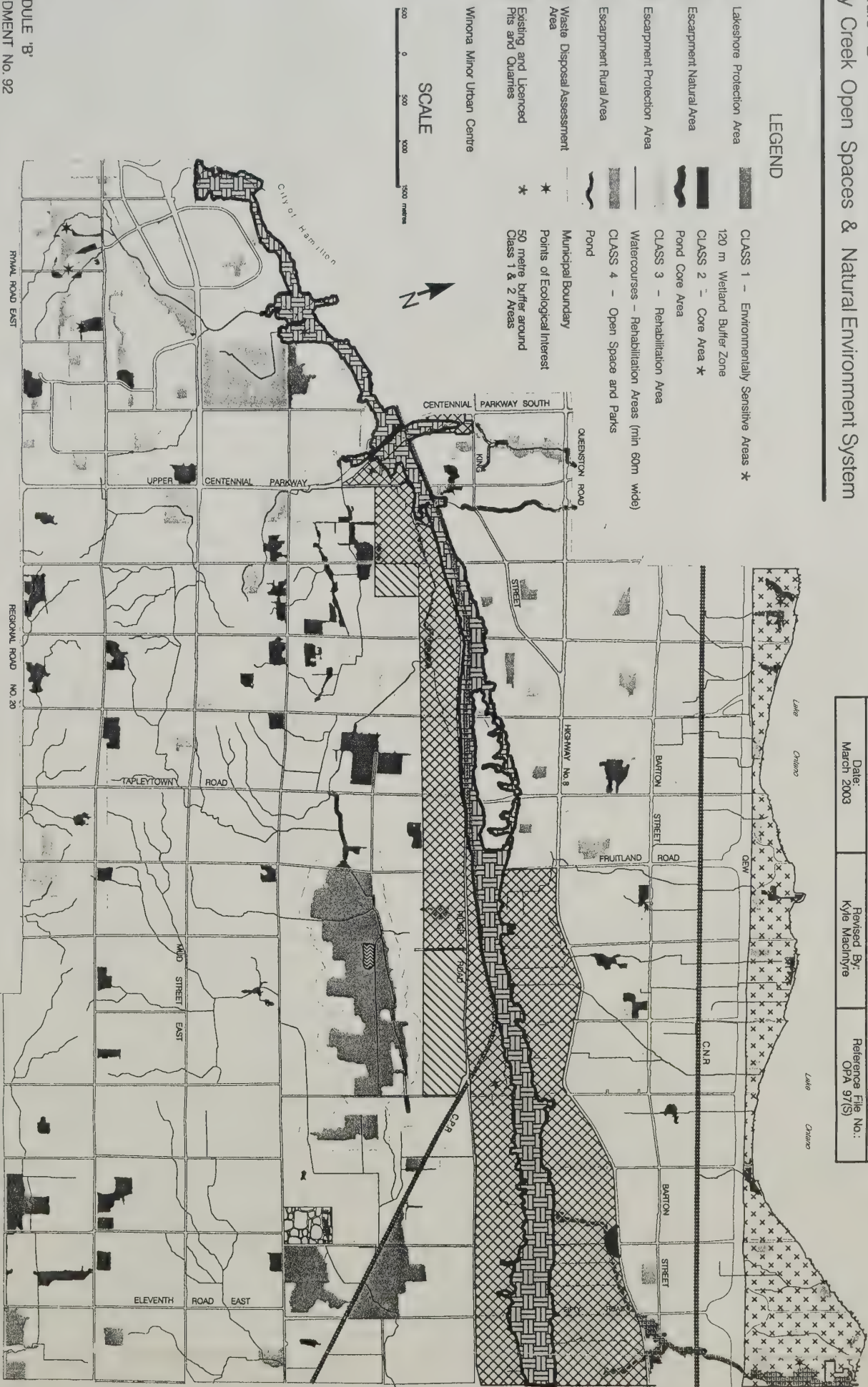
②

MAP PREPARED BY
MAY PHILLIPS & ASSOCIATES LIMITED

DATE: 2003
SCALE: 1:50,000

Schedule "C" to Amendment No. 97 To the Official Plan of the Former City of Stoney Creek	
Redesignate the Subject Lands as Class 1 Environmentally Sensitive Areas	
Date: March 2003	Revised By: Kyle MacIntyre Reference File No.: OPA 97(5)

	Lakeshore Protection Area		CLASS 1 – Environmentally Sensitive Areas *
	Escarpment Natural Area		CLASS 2 – Core Area *
	Escarpment Protection Area		CLASS 3 – Rehabilitation Area
	Escarpment Rural Area		Watercourses – Rehabilitation Areas (min 60m wide)
	Waste Disposal Assessment Area		CLASS 4 – Open Space and Parks
	Existing and Licenced Pits and Quarries		Pond
			Municipal Boundary
			Points of Ecological Interest
			50 metre buffer around Class 1 & 2 Areas



CA4 ON HBL A08
B91
2003

Authority: Item 14, Committee of the Whole
Report 01-003 (FCS01007)
CM: February 6, 2001

Bill No. 097

CITY OF HAMILTON

BY-LAW NO. 03-097

**To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Parking Meters) of By-law No. 01-218, as amended, is hereby further amended by adding to Subsection 3(a) of Section "E" thereof (1 hour at 50¢ per hour) the following items, namely:

"Fennell	North	East 31 st to 24.4m easterly
Fennell	South	3 rd and 4 th meter east of Shadyside
Fennell	North	East 38 th to Upper Gage
Fennell	South	Shadyside to Upper Sherman"

and by deleting from Subsection 3(a) of Section "G" thereof (1 hour at 50¢ per hour) the following items, namely:

"Fennell	North	East 31 st to East 32 nd
Fennell	South	3 rd and 4 th meter east of Shadyside

Fennell	North	East 38 th to Upper Gage
Fennell	South	Shadyside to Upper Sherman"

2. Schedule 6 (Time Limit Parking) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Brucedale	North	from 32.9m east of East 13 th to 5.5m easterly	30 min	1 pm – 8 pm	Anyday
Normandy	North	Rodgers to Auburn	1 hr	8 am – 6 pm	Mon - Fri"

and by deleting from Section "E" thereof the following items, namely:

"Normandy	North	Rogers to Auburn	1 hr	8 am – 6 pm	Mon - Fri
Normandy	South	Rodgers to Auburn	1 hr	8 am – 6 pm	Mon - Fri"

3. Schedule 8 (No Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Fennell	South	from 15.9m east of High to 11m easterly	Anytime
Fennell	South	from 9.8m west of East 28 th to 7.6m westerly	Anytime
Fennell	South	High to 11m easterly	Anytime
Fennell	South	Upper Kenilworth to 35.7m westerly	Anytime
Fennell	South	King's Forest to 23.8m westerly	Anytime
Fennell	South	East 22 nd to East 23 rd	Anytime
Fennell	South	High to 68.6m westerly	Anytime
Fennell	South	from 30.4m west of Shirley to 10.4m westerly	Anytime
Fennell	South	Garth to Glanford	Anytime
Fennell	North	Garth to East 31 st	Anytime
Fennell	North	East 31 st to East 38 th	Anytime

Fennell	North	Upper Gage to Mountain Brow Boulevard	Anytime
Locke	West	Chatham to 18m southerly	Anytime
Normandy	South	Rodgers to Auburn	Anytime
Upper Sherman	West	Concession to Brucedale	Anytime
Upper Sherman	West	from 45.4m south of Brucedale to Mackenzie	Anytime
Upper Sherman	West	Franklin to Rymal	Anytime
Upper Sherman	East	Crockett to 39.3m north of Brucedale	Anytime
Upper Sherman	East	from 62.5m south of Brucedale to Rymal	Anytime"

and by deleting from Section "E" thereof the following item, namely:

"Locke	West	from 24.7m south of Chatham to 7.6m southerly	7:00 a.m. to 6:00 p.m.
Park	West	Hunter to a point 192 feet southerly therefrom	7 am – 6 pm" Mon - Sat

and by deleting from Section "G" thereof the following item, namely:

"Fennell	South	commencing at a point 52 feet east of High and extending to a point 36 feet easterly therefrom	Anytime"
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and by deleting from Section "G(I)" thereof the following items, namely:

"Fennell	South	32 ft. west of East 28 th St. to 25 ft. westerly	Anytime
Fennell	South	High to 36 feet east	Anytime
Fennell	South	Upper Kenilworth to 117 ft. west	Anytime
Fennell	South	King's Forest to 78 ft. west	Anytime

Fennell	South	East 22 nd to East 23 rd	Anytime
Fennell	South	High to 225 ft. west	Anytime
Fennell	South	100 ft. west of Shirley to 34 ft. west	Anytime
Fennell	South	Garth to Glanford	Anytime
Fennell	North	Garth to Mountain Brow Blvd.	Anytime
Upper Sherman	East	Rymal to 205 feet south of Brucedale	Anytime
Upper Sherman	East	39.3m north of Brucedale to Crockett	Anytime
Upper Sherman	West	149 feet south of Brucedale to Rymal	Anytime
Upper Sherman	West	Concession to Brucedale	Anytime
Upper Sherman	West	Concession to Mountain Park	Anytime"

4. Schedule 10 (Alternate Side Parking) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following item, namely:

"Normandy Road Auburn Avenue to Rodgers Road	North	South"
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5. Schedule 12 (Permit Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Francis	North	from 48.5m east of Emerald to 6.7m easterly	Anytime
Francis	South	from 69.8m east of Emerald to 6.6m easterly	Anytime
West 19 th	West	from 13.4m south of Bendamere to 6.7m southerly	Anytime"

and by deleting from Section "E" thereof the following items, namely:

"Francis	North	commencing at a point 156 feet east of Emerald to a point 19 feet easterly therefrom	Anytime
Francis	South	commencing at a point 165 feet west of Douglas to a point 18 feet westerly therefrom	Anytime
West 19 th	West	from 7m south of Bendamere to 6.4m southerly	Anytime"

6. Schedule 13 (No Stopping Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Brentwood	East	from 40.5m north of Wildewood to 9.8m northerly	Anytime
Brentwood	East	from 62.5m north of Wildewood to 15.2m northerly	Anytime
Brentwood	East	from 86.5m north of Wildewood to 26.2m northerly	Anytime
Fennell	North	from 24.4m east of East 31 st to 14.6m easterly	Anytime
Fennell	South	Glanford to 15.2m easterly	Anytime
Fennell	South	High to 15.2m easterly	Anytime
Fennell	South	Organ to 17.1m easterly	Anytime
Fennell	South	Shirley to 17.1m easterly	Anytime
Fennell	North	Ontario Hospital Entrance to 69.5m westerly	Anytime
Fennell	South	Organ to 27.4m westerly	Anytime
Fennell	South	Shirley to 33.5m westerly	Anytime
Fennell	South	West 4 th to West 5 th	Anytime
Fennell	South	Ontario Hospital Entrance to 67.4m westerly	Anytime
Fennell	South	Ontario Hospital Entrance to 68.9m easterly	Anytime

Fennell	South	Upper Kenilworth to 21m westerly	Anytime
Fennell	South	East 22 nd to East 23 rd	7:00 a.m. to 9:00 a.m. Monday to Friday
Fennell	North	East 31 st to East 32 nd	7:00 a.m. to 9:00 a.m. Monday to Friday
Fennell	North	East 19 th to East 21 st	7:00 a.m. to 9:00 a.m. Monday to Friday
Fennell	South	East 19 th to Upper Wentworth	7:00 a.m. to 9:00 a.m. Monday to Friday
Fennell	South	Shadyshade to Upper Sherman	7:00 a.m. to 9:00 a.m. Monday to Friday
Fennell	North	East 38 th to Upper Gage	7:00 a.m. to 9:00 a.m. Monday to Friday
Fennell	South	East 22 nd to East 23 rd	4:00 p.m. to 6:00 p.m. Monday to Friday
Fennell	North	East 31 st to East 32 nd	4:00 p.m. to 6:00 p.m. Monday to Friday
Fennell	North	East 19 th to East 21 st	4:00 p.m. to 6:00 p.m. Monday to Friday
Fennell	South	East 19 th to Upper Wentworth	4:00 p.m. to 6:00 p.m. Monday to Friday
Fennell	South	Shadyside to Upper Sherman	4:00 p.m. to 6:00 p.m. Monday to Friday
Fennell	North	East 38 th to Upper Gage	4:00 p.m. to 6:00 p.m. Monday to Friday
Parkdale	East	Burlington to Melvin	4:00 p.m. to 6:00 p.m." Monday to Friday

and by deleting from Section "E" thereof the following item, namely:

"Parkdale	East	Dunsmure to Burlington	4:00 p.m. to 6:00 p.m." Monday to Friday
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and by deleting from Section "G" thereof the following items, namely:

"Fennell	South	Glanford to 50 ft. east	Anytime
Fennell	South	High to 50 ft. east	Anytime
Fennell	South	Organ to 56 ft. east	Anytime
Fennell	South	Shirley to 56 ft. east	Anytime
Fennell	North	Ont. Hospital Entrance to 228 ft. west	Anytime
Fennell	South	Organ to 90 ft. west	Anytime
Fennell	South	Shirley to 110 ft. west	Anytime
Fennell	South	West 5 th to West 4 th	Anytime
Fennell	South	Ont. Hospital Entrance to 221 ft. west	Anytime
Fennell	South	Ont. Hospital Entrance to 226 ft. east	Anytime
Fennell	South	Upper Kenilworth to 69 feet westerly	Anytime
Fennell	South	East 22 nd to East 23 rd	Mon. – Fri. 7:00 am – 9:00 am
Fennell	North	East 31 st and east 32 nd	Mon. – Fri. 7:00 am – 9:00 am
Fennell	North	East 19 th to East 21 st	Mon. – Fri. 7:00 am – 9:00 am
Fennell	South	East 19 th to Upper Wentworth	Mon. – Fri. 7:00 am – 9:00 am
Fennell	South	Shadyside to Upper Sherman	Mon. – Fri. 7:00 am – 9:00 am
Fennell	North	East 38 th to Upper Gage	Mon. – Fri. 7:00 am – 9:00 am
Fennell	South	East 22 nd to East 23 rd	Mon. – Fri. 4:00 pm – 6:00 pm

Fennell	North	East 31 st to East 32 nd	Mon. – Fri. 4:00 pm – 6:00 pm
Fennell	North	East 19 th to East 21 st	Mon. – Fri. 4:00 pm – 6:00 pm
Fennell	South	East 19 th to Upper Wentworth	Mon. – Fri. 4:00 pm – 6:00 pm
Fennell	South	Shadyside to Upper Sherman	Mon. – Fri. 4:00 pm – 6:00 pm
Fennell	North	East 38 th to Upper Gage	Mon. – Fri.” 4:00 pm – 6:00 pm

7. Schedule 14 (Wheelchair Loading Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Brentwood	East	from 50.3m north of Wildewood to 12.2m northerly	Anytime
Fennell	South	from 28.6m east of Upper Kenilworth to 9.1m easterly	Anytime
West 19 th	West	from 7m south of Bendamere to 6.4m southerly	8:00 a.m. to 9:00 p.m.” Monday to Friday

and by deleting from Section "G" thereof the following item, namely:

"Fennell South 30 feet 94 feet east of Upper Kenilworth Anytime"

8. Schedule 15 (Commercial Vehicle Loading Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Fennell	North	from 30.4m west of East 21 st to 17.7m westerly	Anytime
Fennell	North	from 21.3m east of East 38 th to 7m easterly	Anytime
Fennell	South	from 17.1m east of East 28 th to 7m easterly	Anytime

Fennell South from 9.1m east of East 19th to 7m easterly Anytime"

and by deleting from Section "E" thereof the following items, namely:

"Locke West 58 feet Chatham 7:00 am – 11:00 pm"

and by deleting from Section "G" thereof the following items, namely:

"Fennell North 30 ft. 56 ft. east of East 31st Anytime

Fennell North 58 ft. 100 ft. west of East 21st Anytime

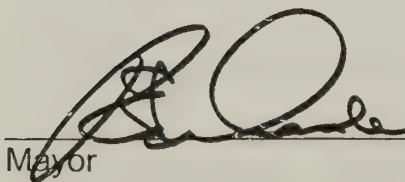
Fennell North 23 ft. 70 ft. east of East 38th Anytime

Fennell South 23 ft. 56 ft. east of East 28th Anytime

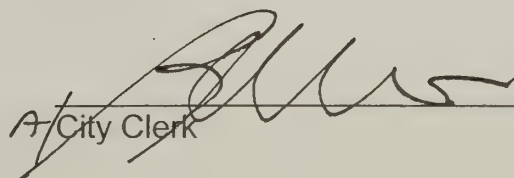
Fennell South 23 ft. 30 ft. east of East 19th Anytime"

9. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
10. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 23rd day of April, 2003.



Mayor



City Clerk

CA4 ON HBL A08
391
2003

Authority: Item 8, Committee of the Whole
Report 03-011 (PD03073)
CM: April 23, 2003

Bill No. 098

CITY OF HAMILTON

BY-LAW NO. 03-098

**To Amend Zoning By-law No. 6593, as amended by Zoning By-law No. 02-291,
Respecting Lands Located at 1590 Main Street West**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the "The Corporation of the City of Hamilton" and is the successor to the former regional municipality, namely, "The Regional Municipality of Hamilton-Wentworth";

AND WHEREAS the City of Hamilton Act, 1999, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951, (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 8 of Report 03-011 of the Committee of the Whole at its meeting held on the 23rd day of April, 2003, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this by-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the Planning Act on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The 'H' (Holding) symbol affixed by By-law No. 02-291 (Hamilton), passed on the 9th of October, 2002, to the "H"-'H' (Community Shopping and Commercial, etc. - Holding) District, respecting the lands the extent and boundaries of which are shown on a plan annexed as Schedule "A" to By-law No. 02-291 (Hamilton) and forming part thereof, is hereby removed, and the development of lands may

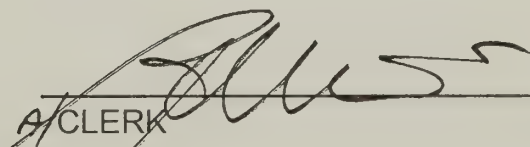
proceed in accordance with the "H" (Community Shopping and Commercial, etc.) District provisions of Zoning By-law No. 6593 (Hamilton), subject to the special requirements referred to in By-law No. 02-291 (Hamilton).

2. Sheet No. W-46 of the District Maps, appended to and forming part of By-law No. 6593 (Hamilton), as amended by By-law No. 02-291, is further amended, by changing from "H"-H' (Community Shopping and Commercial, etc. - Holding) District, modified, to "H" (Community Shopping and Commercial, etc.) District, modified, the lands, the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A" and forming part of this By-law.
3. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the "H" (Community Shopping and Commercial, etc.) District provisions, subject to the special requirements referred to in section 3 of By-law No. 02-291.
4. By-law No. 6593 (Hamilton) is amended by adding this by-law to section 19B as Schedule S-1475a.
5. Sheet No. W-46 of the District Maps is amended by marking the lands referred in Section 1 of this by-law as S-1475a.
6. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this by-law, in accordance with the Planning Act.

PASSED and ENACTED this 23rd day of April, 2003.



MAYOR



CLERK



SANDERS BOULEVARD

WESTBOURNE RD

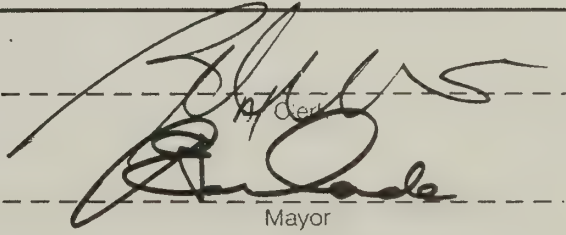
BINKLEY RD

MAIN ST W

N82°02'50"E
37.186m
N7°57'10"W
23.698m
N7°57'10"W
27.432m
N87°48'30"E
37.370m

This is Schedule "A" to By-Law No. 03—098

Passed the23rd..... day ofApril....., 2003


Clerk
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-098
to Amend By-Law No. 6593



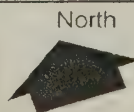
Hamilton

Planning and Development Department

Legend



Subject Property
"Removal of the Holding "H" Symbol
from the "H"-H' (Community Shopping
and Commercial, Etc.-Holding)
District Zoning"



North

Scale
NOT TO SCALE

Date
March 25, 2003

Reference File No.
ZAR-02-94

Drawn By
LC

CA4 DN HBL A08
B91
2003

Authority: Item 1, Hearings Sub-Committee
Report 03-014 (PD03091)
CM: April 23, 2003

Bill No. 099

CITY OF HAMILTON

BY-LAW NO. 03-099

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands comprised of a portion of 9 Glencrest Drive.

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

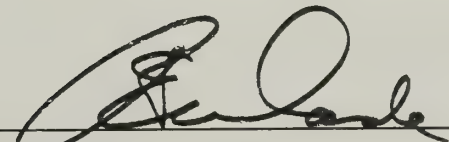
AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

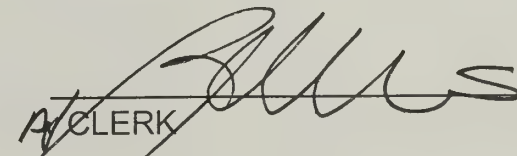
1. Map No. 7 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Neighbourhood Development "ND" zone to the Single Residential Two "R2" zone, the lands comprised of a portion of 9 Glencrest Drive, the extent of boundaries of which are shown on a plan hereto annexed as Schedule "A".
2. That the subject property be rezoned from the Neighbourhood Development "ND" Zone to the Single Residential Two "R2" Zone.

3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 23rd day of April, 2003.



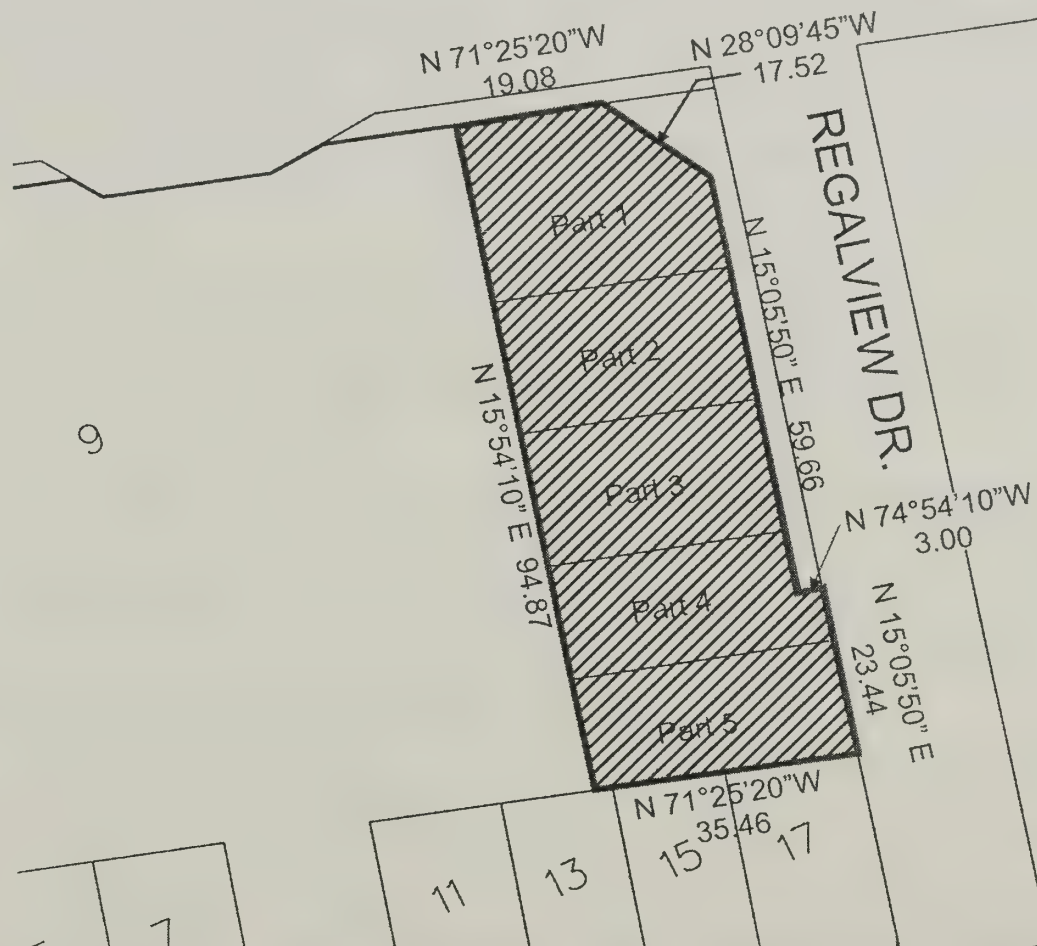
MAYOR



CITY CLERK



HIGHWAY NO. 8



This is Schedule "A" to By-Law No. 03—099

Passed the 23rd day of April, 2003

[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-099
to Amend By-Law No. 3692-92



Hamilton

Planning and Development Department

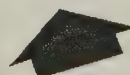
Legend



Subject Property

Change from Neighbourhood Development
"ND" Zone to Single Residential
Two "R2" Zone

North



Scale
NOT TO SCALE

Date
January 27, 2003

Reference File No.
ZAC-03-06

Drawn By
CL

CA4 ON HBL A08
891
2003

Authority: Item 2, Hearings Sub-Committee
Report 03-014 (PD03092)
CM: April 23, 2003

Bill No. 100

CITY OF HAMILTON

BY-LAW NO. 03-100

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands located at 86 Second Road West

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS it is intended to change the zoning of the lands hereinafter referred to, and to establish special requirements under Subsection 6.4 of By-law No. 3692-92 (Stoney Creek), passed on the 8th day of December, 1992 and approved by the Ontario Municipal Board by Order dated the 31st day of May, 1994.

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Map No. 16 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Single Residential "R1" Zone to the site-specific Single Residential "R3-16" Zone and the Single Residential "R3" Zone, the lands comprised of 86 Second Road West, the extent of boundaries of which are shown as Blocks 1 and 2 on Appendix "A" to Report PD03092, on the following basis:

CA4 DN HBL A08
B91
2003

Authority: Item 2, Hearings Sub-Committee
Report 03-014 (PD03092)
CM: April 23, 2003

Bill No. 100

CITY OF HAMILTON

BY-LAW NO. 03-100

To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands located at 86 Second Road West

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS it is intended to change the zoning of the lands hereinafter referred to, and to establish special requirements under Subsection 6.4 of By-law No. 3692-92 (Stoney Creek), passed on the 8th day of December, 1992 and approved by the Ontario Municipal Board by Order dated the 31st day of May, 1994.

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Map No. 16 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended by changing the zoning from the Single Residential "R1" Zone to the site-specific Single Residential "R3-16" Zone and the Single Residential "R3" Zone, the lands comprised of 86 Second Road West, the extent of boundaries of which are shown as Blocks 1 and 2 on Appendix "A" to Report PD03092, on the following basis:

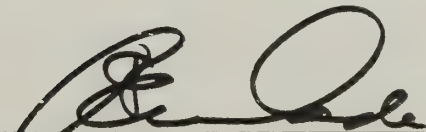
- (i) That Block 1 be rezoned from the Single Residential "R1" Zone to the site-specific Single Residential "R3-16" Zone;
 - (ii) That Block 2 be rezoned from the Single Residential "R1" Zone to the Single Residential "R3" Zone; and,
2. That Subsection 6.4.7, "Special Exemptions" of Section 6.4, Single Residential "R3" Zone, of Zoning By-law No. 3692-92, be amended by adding a new special exemption, "R3-16", as follows:

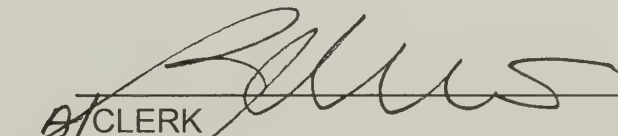
"R3-16 86 Second Road West, Schedule "A", Map No. 16

Notwithstanding the provisions of Paragraph (d) of Section 4.19.1, Yard Encroachments, of Zoning By-law 3692-92, on those lands zoned R3-16 by this By-law, the unenclosed porch and stairs, existing at the date of the passing of this By-law, are permitted and may project into the required southerly side yard 0.45 metres."

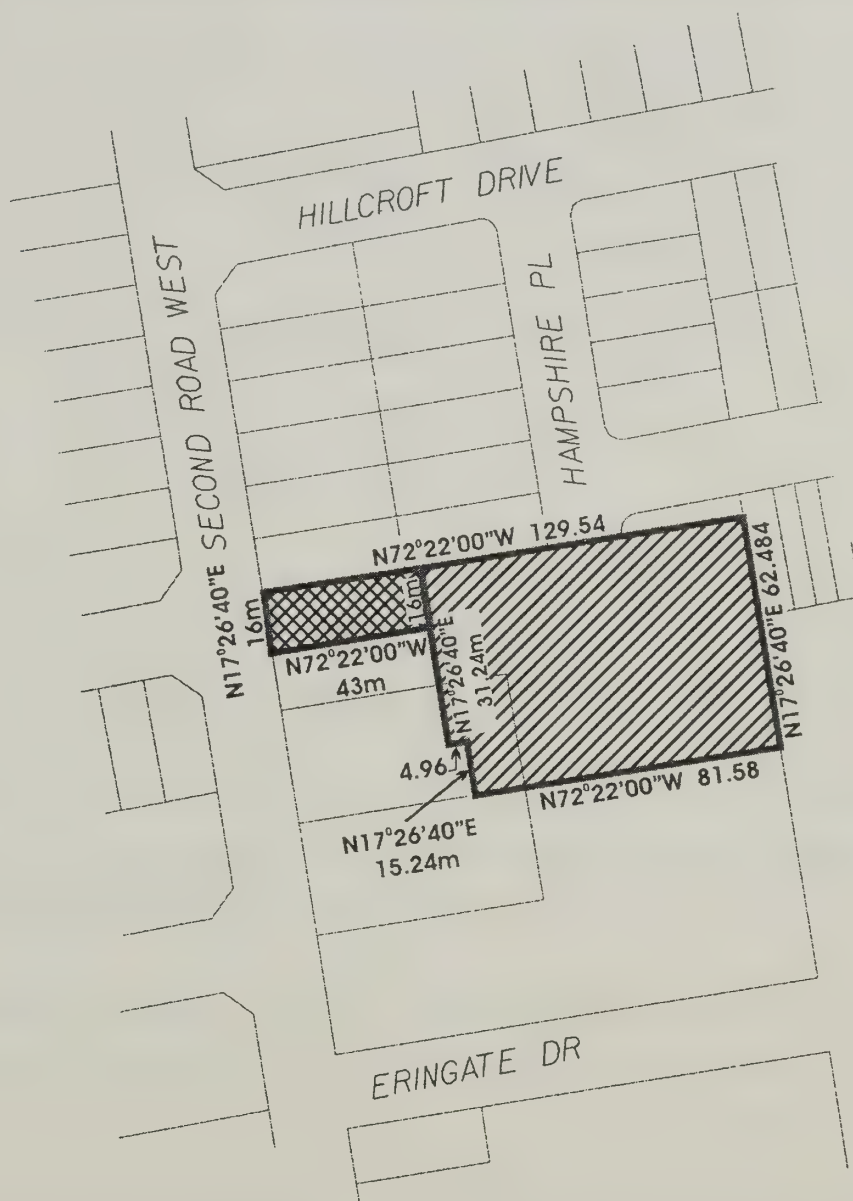
3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 23rd day of April, 2003.



MAYOR

CLERK



This is Schedule "A" to By-Law No. 03—100

Passed the 23rd day of April, 2003

[Signature]
City Clerk
[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-100
to Amend By-Law No. 3692-92



Hamilton

Planning and Development Department

Subject Property

86 Second Road West Lot 28, Conc.8,
Parts 2 and 4 62R-1620



Block 1- From R1 to R3-16

Block 2- From R1 to R3

North



Scale
NOT TO SCALE

Date
January 16, 2003

Reference File No
ZAC-03-01/25T-200-302

Drawn By
NM

CA4 ON HBL A08

B91

2003

Item 5
Authority: Committee of the Whole Report
03-012 (CM03014)
CM: April 23, 2003

Bill No 101

CITY OF HAMILTON

BY-LAW NO. 03-101

To Provide for Road Closings, Restrictions Upon Traffic Upon City Roads and Highways and other Critical Matters in Connection with the 2003 Canadian Road Race Cycling Championship

WHEREAS in October 1999, the Hamilton 2003 World Cycling Championships Bid Team was awarded the 2003 World Road Race Cycling Championships by the International Cycling Union, along with the 2003 Canadian Road Race Cycling Championship;

AND WHEREAS Hamilton 2003 Cycling Championships Corporation, a corporation under the *Canada Corporations Act*, has been incorporated by that Bid Team as a special purpose corporation for the purposes conducting those Event;

AND WHEREAS that corporation requested the former Regional Municipality of Hamilton-Wentworth to provide municipal sponsorship for that venture;

AND WHEREAS in response to that request, both the former Region and the present City of Hamilton have agreed with that corporation and with the International Cycling Union to make certain of its Roads available for the holding of those Event;

AND WHEREAS section 35 of the *Municipal Act, 2003* empowers the City to pass by-laws removing or restricting the common law right of passage by the public and the common law right of access to the highway by an owner of land abutting the highway, and section 42 of that Act empowers the Council to delegate certain authority in connection therewith to designated employees of the City;

AND WHEREAS a series of public meetings have been held with residents of affected areas of the City to discuss the impact of the race and the road closures required in connection therewith;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Interpretation

1.1 In this By-law,

- (a) “City” means the City of Hamilton;
- (b) “Chief of Police” means the Chief of Police of the City;
- (c) “Corporation” means the Hamilton 2003 Cycling Championships Corporation, or any successor or assign thereof;
- (d) “Course” means any of the Road Race Course, Short Time Trial Course or Long Time Trial Course;
- (e) “Event” means, the 2003 Canadian Road Race Cycling Championship to be held during the period Friday, June 27 to Sunday, June 29, including the associated Short Time Trial, Criterium and the Tim Bit Challenge, and all other associated incidental Event in connection therewith;
- (f) “General Manager of Emergency Services” means the City’s General Manager of Emergency Services;
- (g) “General Manager of Public Works” means the City’s General Manager of Emergency Services;
- (h) “International Cycling Union” means the organization commonly known as *Union Cycliste Internationale*-International Cycling Union, and having its principal place of business at CH 1860 Aigle, Switzerland
- (i) “Race Officer” includes,
 - (i) any police officer, and

- (g) where an officer of the City is named, or a reference is made to an office of the City, that reference shall be deemed to include a reference to the designate of that person, as appointed in accordance with policies and procedures of the City in force from time to time.

2. Road Closure

2.1 Each of the Roads described in Schedule “A” shall be closed for the holding of the Event during those hours and on those days specified in that Schedule, on the following dates and during the following times:

- (a) from 8:30 AM to 5:30 PM on Friday, June 27;
- (b) from 3:00 PM to 9:00 PM on Saturday, June 28; and
- (c) from 8:00 AM to 6:00 PM on Sunday, June 29.

2.2 The use and access of any road (including access to and from any such road) within 4 kilometers of each of those area on any of dates specified in section 2.1 shall be subject to such directions, restrictions or prohibitions as may be approved by the General Manager of Public Works, Chief of Police and General Manager of Emergency Services or any of them, at any time and from time to time, as being necessary or advisable in the interests of public safety, the protection of property, the successful holding of the Event or the orderly movement of traffic around the City, including any one or combination of the following with respect to any or all roads so indicated, and for greater certainty the authority hereby delegated shall be deemed to include the authority to:

- (a) prohibit private vehicular or pedestrian traffic;
- (b) redirect traffic;
- (c) create temporary one-way streets, or the temporary conversion of one-way streets to two-way streets;

- (d) close lanes or restrict lanes to race participants or to the holders of approved passes issued by the General Manager of Public Works;
- (d) prohibit parking, stopping or waiting of vehicles;
- (e) restrict roads to public transport;
- (f) prohibit or restrict commercial transport vehicles;
- (g) restrict or prohibit turns, lower speed limits, place temporary signals or regulatory signs, or temporarily remove any signals or signs, or prohibit pedestrian or bicycle traffic,
- (h) take such other steps or measures as may appear expedient in the circumstances;
- (i) in connection with any of the foregoing, cover such traffic signs and parking meters as may be necessary or advisable in their discretion;

and the General Manager of Public Works shall post such signs as may be necessary for such purposes in accordance with the *Highway Traffic Act* or the regulations thereunder, and the posting of such a sign shall be conclusive evidence that the General Manager of Public Works, Chief of Police and General Manager of Emergency Services, as the case may be, has approved the direction, restriction or prohibition to which it relates.

2.3 Subject to the terms and conditions set out in this By-law, permission is hereby given to the Corporation to hold the Event on the following courses:

- (a) the Road Race Course, comprising the following 12.4 kilometer circuit:
 - (i) commencing with that portion of Main Street West running from James Street west to Queen Street,
 - (ii) from there south along that portion of Queen Street until Beckett Drive;
 - (iii) from there up the escarpment face of the Mountain until Garth Street,
 - (iv) from there, south along Garth Street until Fennell Avenue;

- (vi) from there, east along Fennell Avenue until Upper James Street,
- (vii) from there north along Upper James Street, until the Claremont Access,
- (viii) from there, east along the Claremont Access until Victoria Avenue South,
- (viii) from there, north along Victoria Avenue South until Main Street East,
- (ix) from there west along Main Street East until Wellington Street,
- (x) from there, south along Wellington Street South until the access ramp of the Claremont Access
- (xi) from there, onto that access ramp, and then up the Claremont Access;
- (xii) from there, West along the West 5th By-pass to West 5th Avenue;
- (xiii) from there north onto James Mountain Road;
- (xiv) from there north along James Mountain Road to James Street South;
- (xv) from there north along James Street South until Main Street, then turning west to complete the circuit;

(b) the Long Time Trial Course, comprising the 20.8 kilometer circuit:

- (i) commencing with that portion of Main Street West running from James Street west to Queen Street,
- (ii) from there south along that portion of Queen Street until Beckett Drive;
- (iii) from there up the escarpment face of the Mountain until Garth Street,
- (iv) from there, south along Garth Street until the intersection of Garth Street, Fennell Avenue and Scenic Drive;
- (v) from there west and then south along Scenic Drive until Mohawk road, following the layout of that road;

- (vi) from there east along Mohawk Road until Garth Street,
- (vii) from there, north along Garth Street until Fennell Avenue;
- (viii) from there, east along Fennell Avenue until Upper James Street,
- (ix) from there north along Upper James Street, until the Claremont Access,
- (x) from there, east along the Claremont Access until Victoria Avenue South,
- (xi) from there, north along Victoria Avenue South until Main Street East,
- (xii) from there west along Main Street East until Wellington Street,
- (xiii) from there, south along Wellington Street South until the access ramp of the Claremont Access
- (xiv) from there, onto that access ramp, and then up the Claremont Access;
- (xv) from there, west along the West 5th By-pass to West 5th Avenue;
- (xvi) from there, north onto James Mountain Road;
- (xvii) from there north along James Mountain Road to James Street South;
- (xviii) from there north along James Street South until Main Street, then turning west to complete the circuit.

(c) the Short Time Trial Course, comprising that 15.4 kilometer circuit:

- (i) commencing with that portion of Main Street West running from James Street west to Queen Street,
- (ii) from there south along that portion of Queen Street until Beckett Drive;
- (iii) from there up the escarpment face of the Mountain until Garth Street,

- (iv) from there, south along Garth Street until the intersection of Garth Street, Fennell Avenue and Scenic Drive;
 - (v) from there west and then south along Scenic Drive until Mohawk road, following the layout of that road;
 - (vi) from there east along Mohawk Road until Garth Street,
 - (vii) from there, north along Garth Street until Fennell Avenue;
 - (viii) from there, east along Fennell Avenue until West 5th Street,
 - (ix) from there north along West 5th Street, until the James Mountain Road
 - (x) from there north along James Mountain Road to James Street South;
 - (xi) from there north along James Street South until Main Street, then turning west to complete the circuit;
- (d) the Criterium course comprising the network of streets commencing on Main Street West at McNab Street, then running west until Bay Street, then South on Bay Street to Hunter Street, then east on Hunter Street to McNab Street, then north on McNab Street to Main street

3. Restriction on Use of Roads

- 3.1 No person or vehicle shall cross a Course during the times specified for the holding of the Event on that Course, except when permitted by a Race Official.
- 3.2 Every pedestrian and driver of a vehicle who crosses the Race Course, Long Time Trial Course or Short Time Trial Course while one of the Event is being held on that Course shall comply with such directions as may be given by a Race Official.
- 3.3 No person shall enter or remain on any part of a Course at any time so as to interfere with any participant in the Event that is taking place on the Course, or so as to otherwise interfere with the holding of any part of the Event on that Course.

4. Race Officials may Give Directions

Every pedestrian and driver of a vehicle who crosses the Race Course, Long Time Trial Course or Short Time Trial Course while one of the Event is being held on that course shall comply with such directions as may be given by a Race Official.

5. Conditions

- 5.1. All closures and restrictions upon the use of any Road as provided in this By-law shall be subject to the conditions set out in this By-law and to such additional specific conditions not inconsistent with this By-law as may be specified from time to time by the Police Chief, General Manager of Emergency Services or General Manager of Public Works
- 5.2. The satisfaction of the conditions set out in this By-law or otherwise applicable with respect to the Event shall be evidenced conclusively by the issue of a Permit to Hold the Event by the General Manager of Public Works.
- 5.3. No permit shall be issued under section 5.2 with respect to the Event unless and until the Corporation has furnished proof to the reasonable satisfaction of the Manager of Risk Management Services that all of the following insurance is in effect with respect to the Corporation:
 - (a) commercial general liability insurance, including but not limited to bodily and personal injury liability, property damage, blanket contractual liability, and contingent employers liability coverage, and each policy shall by its wording or endorsement,
 - (i) have an inclusive limit of not less than \$10,000,000 per occurrence or such greater amount as the City may from time to time request, for claims involving personal injury or property damage,
 - (ii) insure the Corporation, including its directors, officers, committee members, employees, officials and volunteers and agents, while acting within the scope of their authority on behalf of the Corporation;

- (iii) provide for a deductible amount of no more than \$10,000;
 - (iv) include the City as an additional insured, to the extent of the Corporation's obligations to the City under this Agreement,
 - (v) contain cross liability and severability of interest provisions;
 - (vi) extend to insurance against loss of, or damage to, property owned by the City or by others, where that property is in the possession, control or guard of the Corporation,
 - (vii) in addition to all other standard coverage included in such a policy, include within its scope or the scope of a suitable rider, coverage in respect of public liability for personal injury, death, property damage and loss arising directly or indirectly by reason of the holding of either of the Event, including but not limited to parking, sale of food, beverages and souvenirs, product liability, liquor liability, completed operations liability and advertising liability;
- (b) a directors and officers liability policy having a limit of at least \$1,000,000 per claim, which coverage shall remain in effect until October 31, 2004;
- (c) a special commercial event liability policy with an inclusive limit of not less than \$10,000,000 per claim or such greater amount as the City may from time to time request, including but not limited to bodily and personal injury liability, property damage, blanket contractual liability, contingent employers liability coverage, completed operations liability, product liability, advertising liability, spectators' liability, and each policy shall by its wording or endorsement, satisfying the requirements of paragraphs (a)(ii) through (viii) inclusive, and shall not contain an exclusion for bleacher stands, overhead walkways or bridges;
- (d) standard form automobile liability insurance with an inclusive limit of not less than \$5,000,000 per claim or such greater amount as the City may from time to

time request, in respect of the use or operation of vehicles owned or leased by the Corporation for the provision of services; and

- (e) non-owned vehicle liability coverage in standard form with an inclusive limit of not less than \$5,000,000 per claim or such greater amount as the City may from time to time request, in respect of the use or operation of vehicles that are not owned by the Corporation.

5.4 No permit shall be issued under section 5.2 unless and until the Corporation has entered into an enabling agreement in a form and on terms satisfactory to the City Solicitor

- (a) providing reasonable protection for the interests and reputation of the City, and the welfare of its inhabitants;
- (b) indemnifying the City, its elected officials, officers and employees from and against any action, claim, damage, or loss whatsoever which may be sustained by any of the foregoing, or to which any of them may be exposed, by reason of the holding of any or all of the Event, or that arise from closing of any road, or the restriction of any traffic on any road, under this By-law; and
- (c) dealing with such other matters as may be considered necessary or expedient as to protect the City and its residents.

6. Road Closing and Signage

6.1 All temporary closings or restrictions contemplated under this By-law shall be carried out by the Corporation and at its expense but,

- (a) in accordance with the applicable standards contained in *Ontario Traffic Manual* Books 5, 6 and 7, the *Canadian Manual on Uniform Traffic Control*, and the *Occupational Health and Safety Act*, or
- (b) as otherwise may be directed by the General Manager of Public Works from time to time and at any time,

and the Corporation shall not in advance or during the Event erect any traffic or parking signs upon or adjacent to the highway without the prior approval of that General Manager.

6.2 Despite subsection 6.1, the General Manager of Public Works shall not be under any duty to the Corporation or to any other person to superintend or correct any work carried out by the Corporation under subsection 6.1 or any other provision of this By-law, nor shall the City or the General Manager of Public Works be liable to any person for any deficiency in that work.

6.3 All costs incurred by the City in preparing, erecting and removing all signs and other items required in order to effect the closure of any Road (including applicable labor costs) shall be paid by the Corporation.

7. Notification

7.1 The Corporation shall cause notice to be published of all Roads affected or potentially affected by the Event, at least twice, the first such notice to be published no less than 30 and no more than 45 days prior to the first day of the Event in question, and the second to be published no less than 7 nor more than 15 days prior to the first day of that Event.

7.2 The costs of publication under section 7.1 shall be paid by the Corporation.

8. Consent of Participants

No later than 7 days prior to the first day of the Event, the Corporation shall obtain from each participant and provide to the City (in a form satisfactory to the City Solicitor) a release, waiver and indemnity in favor of the City from any and all claims resulting from the Event.

9. Alternative Route of Access

No owner or resident of property adjacent to a Road closed to vehicular traffic by or under this By-law shall be denied access by foot to their property, and the Corporation shall take all reasonable action required to ensure the safety of and minimize interference with owners and residents of such properties, and their licensees.

10. Pedestrian Access Ways

The Corporation shall provide and maintain within the portion of any Road closed to vehicular traffic a reasonable temporary route satisfactory to the General Manager of Public Works sufficient to allow all property owners and residents to obtain pedestrian access to their property.

11. Resident Parking

- 11.1 Permit parking restrictions in accordance with this section shall apply where parking is allowed on streets within the boundaries defined in schedule "P" during the Event, and the provisions of this section shall be deemed to amend the City Parking By-law 218-01 accordingly, and notice that such restrictions are in effect shall be provided in the manner specified in that by-law or under the Regulations under the *Highway Traffic Act*.
- 11.2 The rules set out in schedule "B" are approved and shall apply with respect to the permit parking restrictions.
- 11.3 Special event parking permits shall be issued to area residents in accordance with the rules set out in Schedule "B".
- 11.4 The City's General Manager of Planning and Development may promulgate such parking restrictions as she considers necessary or advisable in order to give effect to the intent of this section and may post notices advising the public of those restrictions, and except to the extent that any such restriction is inconsistent with this By-law, that restriction shall be valid and effective as if incorporated expressly in this By-law, and any breach of that restriction occurring during the periods 12:01 AM on June 27 until 11:59 PM on June 29 shall be deemed to be a contravention of this By-law.

12. Other Requirements

- 12.1 The Corporation shall comply with such other conditions that may be specified in writing as a condition of approval and such additional conditions that may be required in writing or verbally by the General Manager of Public Works, the Chief of Police or General Manager of Emergency Services, whether imposed before or during the Event.

- 12.2 Closings and restrictions shall be carried out or effected in a proper workmanlike manner, with all reasonable precautions and safety measures being taken for the protection of public and private safety and property, including maintenance of all necessary warning lights and watchmen, all under the direction and to the satisfaction of the General Manager of Public Works, the Chief of Police and the General Manager of Emergency Services
- 12.3 During the holding of the Event, the Corporation shall use reasonable diligence to minimize interference by spectators, participants, vehicles, partitions, barricades, signs, or other equipment used in connection with the Event with fire hydrants, access/egress ramps, snow and garbage removal, and the installation, maintenance, or repair to any plant or equipment of, the City or any utility in the vicinity of any Road on which the Event is being held.
- 12.4 During the temporary or partial closing of a road, the Corporation shall use only the permitted part(s) of the road in accordance with the terms of the Permit, the conditions of approval and provisions of this By-law.
- 12.5 Where it is necessary for the City to relocate, remove or alter the signs, barricades or other equipment or property of the Corporation for any reason whatsoever, either before, during or after the event, the Corporation shall reimburse the City against such costs and against any loss, cost or damage arising from such work.
- 12.6 At its expense, the Corporation (at its own cost and for its own account) shall carry out clean up operations immediately after the Event to restore each road to as good condition as it was in immediately before the Event as expeditiously as possible and before re-opening of the road to vehicular traffic.
- 12.7 All costs incurred by the City related to the Event or the World Cycling Championship scheduled to be held in the City in October, 2003 shall be reported to Council, and it shall be a condition precedent to the grant of any permit under section 5.2 that the Corporation shall agree to pay the City \$5050,000 for incremental costs incurred by the City in connection with the Event and World Cycling Championship.

13. Directions to City Staff

- 13.1 The City shall erect and maintain sufficient warning signs and devices to provide adequate warning to the public of the occupation and obstruction of each closed Road or on which traffic is restricted under this By-law, at each end of every such Road or portion thereof so closed or restricted, and where an alternative route deviates therefrom, a barricade with an adequate warning device shall be erected during all relevant periods, which device shall be maintained in good working order continuously (except during full daylight), and at all such points detour signs shall be erected indicating the alternative route and containing a notice that the Road is closed or restricted.
- 13.2 All barricading, temporary Road closure signs, detour signs warning signs and devices, including labor and materials for their construction, erection, maintenance and removal, shall provided by and at the expense of the applicant and the Corporation shall pay the City those costs.
- 13.3 All barricading, detour signing equipment and other property of the Corporation and traffic control be subject to the direction of the Chief of Police.

14. Non-compliance with Orders

- 14.1 Where the Corporation or any other person does not comply with the provisions herein, by any person, an Order to Comply may be issued and served upon such person, by the General Manager of Public Works, the General Manager of Emergency Services or the Police Chief, as the case may be.
- 14.2 Every person to whom an Order to Comply is served under section 14.1, shall take forthwith all such steps as are necessary to comply with that Order.
- 14.3 Where the Corporation or any person acting by or under its direction fails or refuses to comply with an Order to Comply issued under this section, then in addition to any other remedy or penalty provided for under this by-law or otherwise available at law, the City may immediately revoke the Corporation's permit to conduct the race by serving the Corporation with a written notice to that effect.

15. Authorization to Use City Property

Subject to the provision of such evidence of insurance as the City's Manager of Risk Management may reasonably require, the City hereby consents to the sale and consumption of alcohol on City property in accordance with applicable provincial law in connection with the holding of the Event, and the City's General Manager of Public Health and Community Services is hereby authorized and directed to cooperate with the Corporation in applying for any permit required by law to allow such sales and consumption to proceed.

16. Health and Safety (SARS and Analogous Concerns)

- (1) Nothing in this By-law shall be deemed to limit the authority of the City to revoke or limit the authorization hereby granted to hold the Event on City Roads or any part of those Roads where it is reasonably necessary to do so:
 - (a) in the interests of general public safety or welfare,
 - (b) in the interests of national or provincial security, including where there are serious threats of terrorist act, or war;
 - (b) in response to an emergency is declared under the *Emergency Plans Act*, whether in Hamilton or elsewhere in Ontario, such as to require the diversion of emergency resources and other vital municipal services or facilities from the City to another municipality;
 - (c) in compliance with an order issued by any court or administrative tribunal, or by a federal or provincial authority.
- (2) Where in the opinion of the City's Medical Officer of Health the holding of the Event or any part of the Event would be reasonably likely,
 - (a) to worsen an existing public health problem;
 - (b) to give rise to some new public health problem; or

- (c) to impede efforts to control the spread of any communicable disease,

the Medical Officer of Health may issue an order prohibiting or restricting the holding of the Event or part of the Event, as the case may be, despite the authorization granted under this By-law.

17. Offences

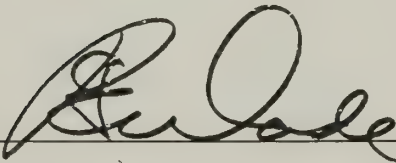
17.1 The following persons are guilty of an offence:

- (a) any person who operates, parks or stands a vehicle on a road contrary to any posted sign or notice, or in such a manner so as to interfere with the conduct of the Event;
- (b) any person who fails or refuses to comply with an order to comply under this By-law or a direction given under section 4;
- (c) any driver of a vehicle or pedestrian who crosses the Road Race Course, Long Time Trial Course, Criterium or Short Time Trial Course at a time when the Course in question is in use in connection with the Event except when authorized to do so by a posted sign, signal or notice or a police officer or Race Officer;
- (d) any person who removes a barricade, signal, barrier, notice or other sign posted or put into place by or with the authority of the General Manager of Public Works, the Chief of Police or the General Manager of Emergency Services;
- (e) any person who removes any cover from any traffic signs or parking meters which is placed thereon by or under the direction of the General Manager of Public Works, the Chief of Police or the General Manager of Emergency Services;
- (f) any person who drives or operates a vehicle on a closed road, or on a road on which traffic is restricted, in intentional disobedience of the signs or traffic control devices.

- (g) any person who obstructs or attempts to obstruct a Course at a time when the Event is scheduled to take part on that Course;
- (h) any person who interferes with a Race Official carrying out duties in connection with the holding of the Event;
- (i) any person who contravenes a direction, restriction, prohibition or order of any of the General Manager of Public Works, the General Manager of Emergency Services or the Chief of Police that is published, made or issued under the authority of this By-law;
- (j) any person who contravenes a provision of this By-law.

17.2 Any person who is guilty of an Offence under this By-law shall be liable to a fine of \$5,000, which may be enforced in accordance with the *Provincial Offences Act*.

PASSED and ENACTED this 23rd day of April, 2003.



MAYOR


CITY CLERK

Schedule "A"

Schedule "A" to CM03014

Segment or Intersection	Canadians					Worlds						
	27/Jun	28/Jun	29/Jun	6/Oct	7/Oct	8/Oct	9/Oct	10/Oct	11/Oct	12/Oct		
	Friday	Saturday	Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	Sunday		
	Time Trials 9am-12pm	Criterium 12pm-5pm	Road Race 4pm-8pm	Training 9am-5pm	Time Trials 10am-12pm	Time Trials 11am-4pm	Time Trials 11am-4pm	Training 4pm-12pm	Time Trials 12pm-4pm	Road Race 9am-5pm	Road Race 9am-5pm	Road Race 8am-4pm
James to Bay - 24hr				Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
James to Queen	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
Queen	NW Quad	NW Quad	NW Quad	NW Quad	NW Quad	NW Quad	NW Quad	NW Quad	NW Quad	NW Quad	NW Quad	NW Quad
- Main to Amelia	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
t - Amelia to Auchmar	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
Auchmar to Fennell/Scenic	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
Fennell/Scenic	SE Quad	SE Quad	SW Quad	SE Quad	SE Quad	SE Quad	SE Quad	SE Quad	SE Quad	SW Quad	SW Quad	SW Quad
- Garth to Lavendar	Closed	Closed		Closed	Closed	Closed		Closed				
- Lavendar to Mohawk	Shared	Shared		Shared	Shared	Shared		Shared				
& Mohawk	Shared	Shared		Shared	Shared	Shared		Shared				
k - Scenic to Garth	Shared	Shared		Shared	Shared	Shared		Shared				
k & Garth	Shared	Shared		Shared	Shared	Shared		Shared				
Mohawk to Fennell	Shared	Shared		Shared	Shared	Shared		Shared				
Fennell/Scenic	SE Quad	SE Quad		SE Quad	SE Quad	SE Quad		SE Quad				
i - Garth to West 5th	Shared	Shared	Closed	Shared	Shared	Shared	Shared	Shared	Closed	Closed	Closed	Closed
1 & West 5th	Shared				Shared							
th - Fennell to Gateview	Shared				Shared							
i - West 5th to Upper James		Shared	Closed	Shared		Shared	Shared	Shared	Closed	Closed	Closed	Closed
& Upper James		Shared	SE Quad	Shared		Shared	Shared	Shared	SE Quad	SE Quad	SE Quad	SE Quad
ames - Fennell to Rosedene		Shared	Closed	Shared		Shared	Shared	Shared	Closed	Closed	Closed	Closed
ames - Rosedene to Claremont		Closed	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed
ont - Upper James to Victoria		Closed	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed
- Claremont to Main		Closed	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed
a & Main		NE Quad	NE Quad	NE Quad		NE Quad	NE Quad	NE Quad	NE Quad	NE Quad	NE Quad	NE Quad
Victoria to Wellington		Closed	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed
Wellington		NW Quad	NW Quad	NW Quad		NW Quad	NW Quad	NW Quad	NW Quad	NW Quad	NW Quad	NW Quad
ton - Main to Claremont		Closed	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed
ont - Wellington to Claremont Access Road		Closed	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed
ont Access Road - Claremont to West 5th		Closed	Closed	Closed		Closed	Closed	Closed	Closed	Closed	Closed	Closed
th - Gateview to James Min.	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
Mtn - West 5th to Ingiewood	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
- Ingiewood to St. Josephs	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
- St. Josephs to Hunter	Shared	Shared	Shared	Shared	Shared	Shared	Shared	Shared	Shared	Shared	Shared	Shared
- Hunter to Main	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed	Closed
James	NE Quad	NE Quad	NE Quad	NE Quad	NE Quad	NE Quad	NE Quad	NE Quad	NE Quad	NE Quad	NE Quad	NE Quad
Bay to MacNab			Closed									
b - Main to Hunter			Closed									
- MacNab to Bay			Closed									
unter to Main			Closed									

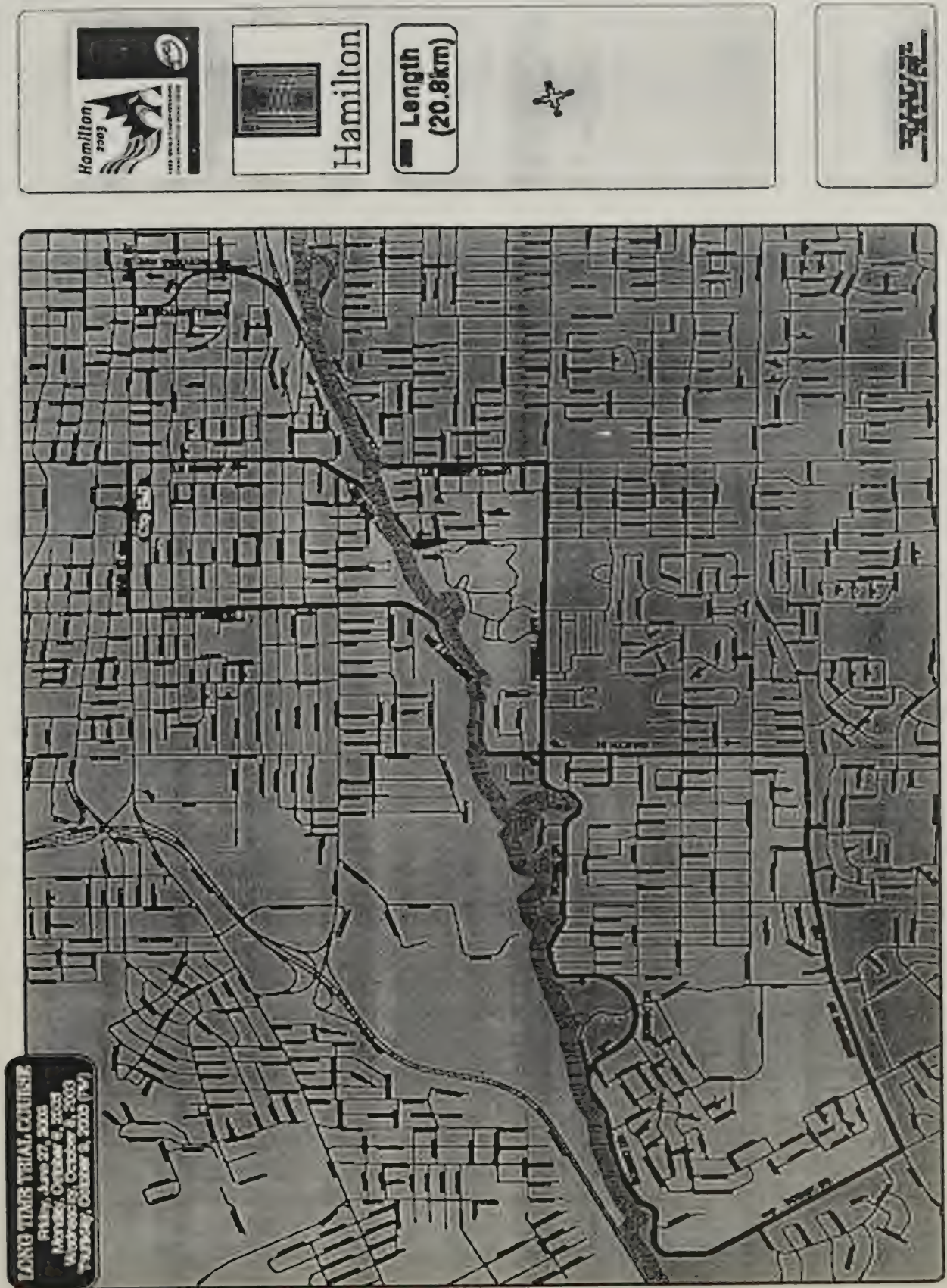
In addition to the street segments listed in the above chart (the "Stadium") any and all City Roads that intersect with the Stadium shall be temporarily closed for a distance of one-block from the Stadium for the same time periods that the Stadium is closed.

Where the term "Quad" is indicated, vehicular access is allowed to that area only. As an example, the intersection of Main Street and Queen Street the north-west quadrant shall be open to vehicular traffic while the south-east quadrant is closed to vehicular traffic.

Where the term "Shared" is indicated, both vehicular and cyclist traffic shall utilize a designated portion of the Roadway, as directed from time to time by the City's General Manager of Public Works. Consequently the section of Road shall not be closed to vehicular traffic.

For both the Canadian and World Championships the Road closures shall occur one hour prior to the first race time. Conversely the Roads shall open one hour after the completion of the last race each day. The City's General Manager of Public Works and Chief of Police shall each have the authority to extend the closure by up to a further 60 minutes prior to or after the last race each day beyond the times specifically authorized in the By-law, where in their respective opinion it is necessary or advisable to do so.

Schedule A



Schedule A



ROAD RAMP EXCHANGE
 Starts: June 28, 2003
 Thursday, October 9, 2003 (AM)
 Friday, October 10, 2003
 Saturday, October 11, 2003
 Sunday, October 12, 2003

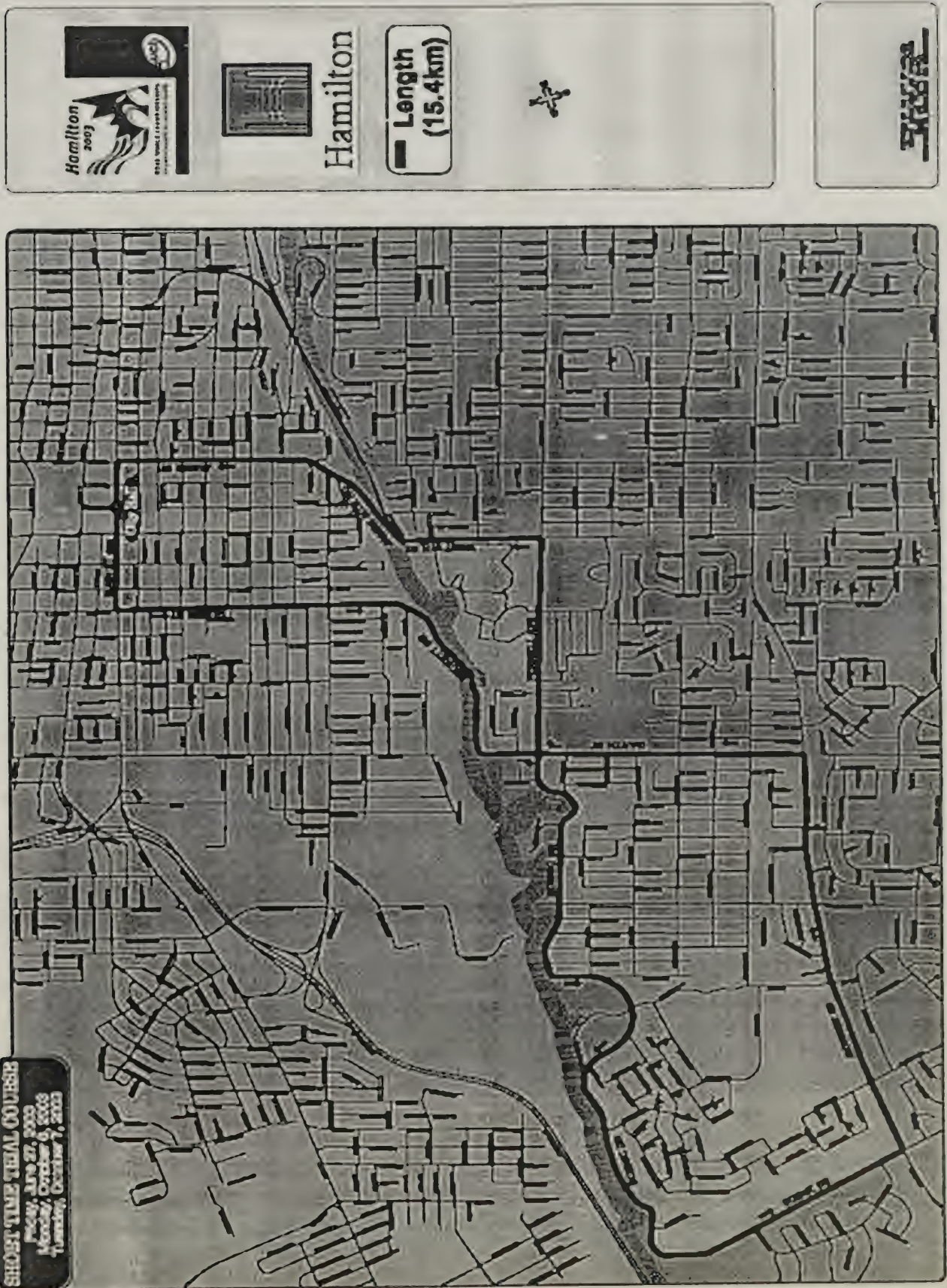


Hamilton

Length
(12.4km)



Schedule A



Schedule "B"

Special Event Parking Restrictions

Special event parking restrictions shall apply during the Event as provided in this Schedule within the closed area referred to as "Race Zone" in Schedule "P":

- i) One "Special Event Parking Permit" shall be issued to each residential unit (including apartment buildings) within the closed area referred to as "Race Zone" in Schedule "P".
- ii) One "Special Event Parking Permit" shall be issued to each one, two and three family dwelling unit within the area referred to in Schedule "P", as the "Perimeter Parking Zone".
- iii) Special Event Parking Permits shall be mailed in advance of the Event. The permits shall allow residents to park in all legal areas within the defined boundary. Spectator parking shall not be allowed.
- iv) Additional "Special Event Parking Permits" may be requested at the Parking & Enforcement Operations Office at 80 Main Street West (at Summers Lane). Permits shall be issued only to persons residing in this defined area. A second permit shall be issued upon request while additional permits must be substantiated by proof of registration of the vehicle within the defined boundaries.
- v) "Special Event Parking Permits" shall be issued to persons living outside the race zone or perimeter parking zone only with justification and with advance notice (two weeks prior to event). These requests can be made through the Parking & Enforcement Operations Office and shall only be considered because of a major personal event.
- vi) "Special Event Parking Permits" shall not be issued to businesses and/or their employees. Concerns about parking by area businesses shall be addressed on an individual basis by Parking and Enforcement Operations, in consultation with the Ward Councilor.
- vii) "Special Event Parking By Permit Only" signs shall be placed at each roadway entrance to the defined boundary area to inform motorists that they are entering the special event parking area.
- viii) All special event parking signs shall be displayed at least 12 hours prior to the scheduled start of the Event in order to allow motorists to either obtain a permit (if they have not already done so) or to make alternate parking arrangements.
- ix) An additional 1080 temporary parking spaces shall be created within the defined parking area to supplement the current parking supply.
- x) Parking shall be prohibited on roadways designated as Emergency or Essential Service accesses.

- xi) All parking meters on the racecourse and within the "Race Zone" shall be bagged to ensure that the public are not trapped within the race zone.
- xii) Parking Control Officers shall be assigned to patrol the area during both events. Parking Control Officers shall provide strict enforcement in critical areas, but shall be given a wider range of discretion and a public relations mandate in other areas.
- xiii) Towing of illegally parked vehicles shall be undertaken on the race route and at Emergency and Essential Services crossings at all times.

Appendix “C”

Special Event Parking Permit

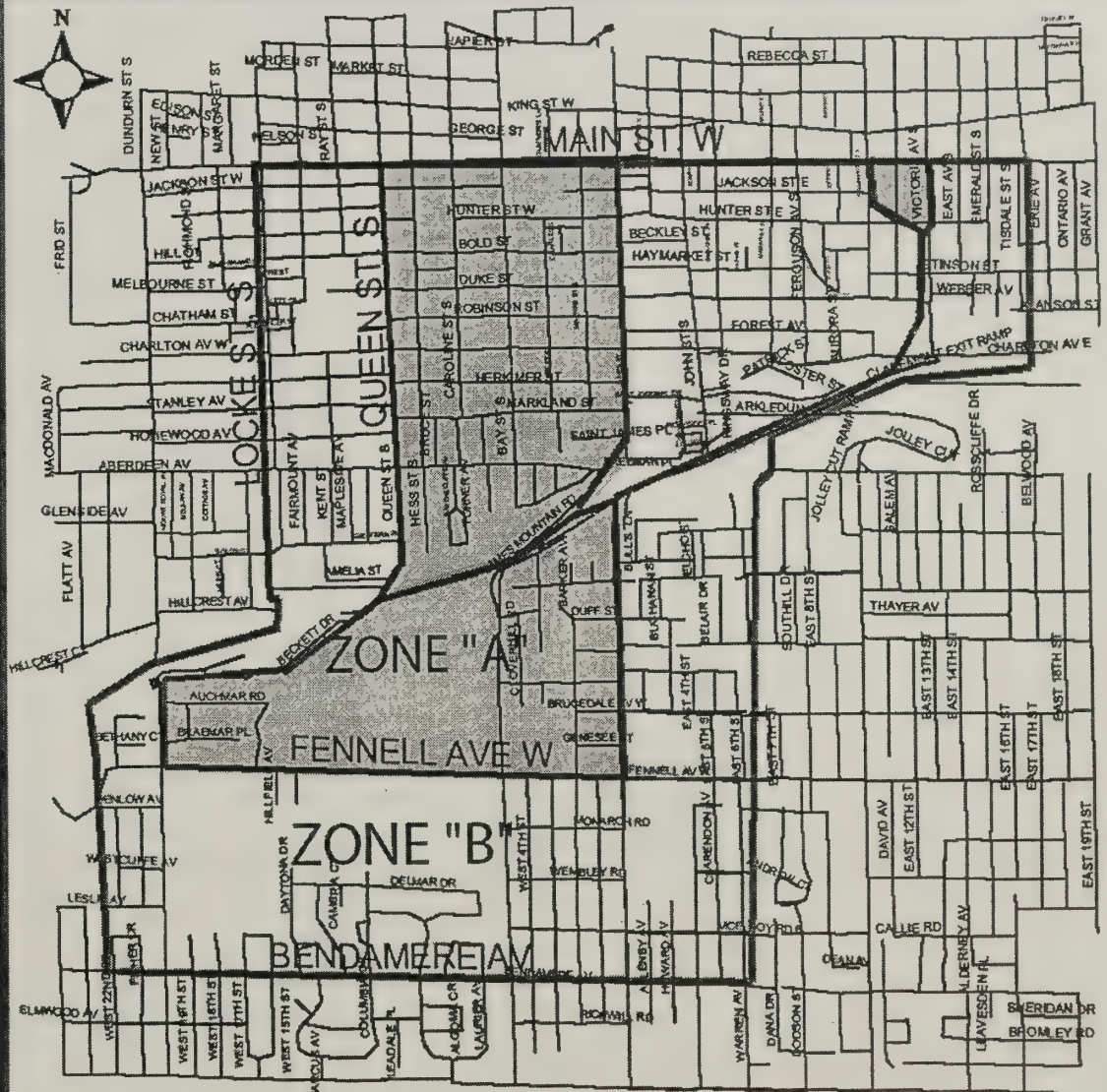
That Special Event Parking Permits be issued to area residents in accordance with the following criteria:

- i) Parking permits will be issued for each event. The permit will be distinct for each event.
- ii) One “Special Event Parking Permit” will be issued to each residential unit (including apartment buildings) within the closed area referred to as “Race Zone” in Appendix “B”.
- iii) One “Special Event Parking Permit” will be issued to each one, two and three family dwelling unit within the area referred to in Appendix “B”, as the “Perimeter Parking Zone”.
- iv) Special Event Parking Permits will be mailed in advance of each event. The permits will allow residents to park in all legal areas within the defined boundary. Spectator parking will not be allowed.
- v) Additional “Special Event Parking Permits” may be requested at the Parking & Enforcement Operations Office at 80 Main Street West (at Summers Lane). Permits will be issued only to persons residing in this defined area. A second permit will be issued upon request while additional permits must be substantiated by proof of registration of the vehicle within the defined boundaries.
- vi) “Special Event Parking Permits” will be issued to persons living outside the race zone or perimeter parking zone only with justification and with advance notice (two weeks prior to event). These requests can be made through the Parking & Enforcement Operations Office and will only be considered because of a major personal event.
- vii) “Special Event Parking Permits” will not be issued to businesses and/or their employees. Concerns about parking by area businesses will be addressed on an individual basis by Parking and Enforcement Operations, in consultation with the Ward Councillor.
- viii) “Special Event Parking By Permit Only” signs will be placed at each roadway entrance to the defined boundary area to inform motorists that they are entering the special event parking area.
- ix) All special event parking signs will be displayed at least 12 hours prior to the scheduled start of each event in order to allow motorists to either obtain a permit (if they have not already done so) or to make alternate parking arrangements.
- x) An additional 1080 temporary parking spaces will be created within the defined parking area to supplement the current parking supply.
- xi) Parking will be prohibited on roadways designated as Emergency or Essential Service accesses.
- xii) All parking meters on the racecourse and within the “Race Zone” will be bagged to ensure that the public are not “trapped” within the race zone.
- xiii) Parking Control Officers will be assigned to patrol the area during both events. Parking Control Officers will provide strict enforcement in critical areas, but will be given a wider range of discretion and a public relations mandate in other areas.

- xiv) Towing of illegally parked vehicles will be undertaken on the race route and at Emergency and Essential Services crossings at all times; and

2003 Cycling Championships

Special Event Parking Areas



LEGEND

- Race Zone "A"
- Perimeter Parking Zone "B"

Schedule "p"

THE CITY OF HAMILTON

BY-LAW NO. 03-102

To Confirm the Proceedings of City Council at its meeting held on April 23, 2003

THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:

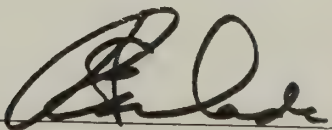
1. The Action of City Council at its meeting held on the 23rd day of April, 2003 in respect of each recommendation contained in:

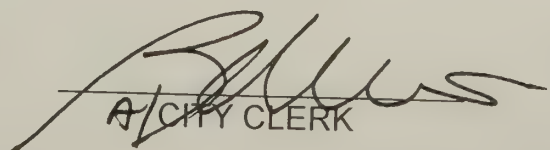
Report 03-011 of the Committee of the Whole,
Report 03-012 of the Committee of the Whole,
Report 03-014 of the Hearings Sub-Committee,
Report 03-015 of the Hearings Sub-Committee,
Report 03-002 of the Grants Sub-Committee,

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED and ENACTED this 22nd day of April, 2003


MAYOR


A/CITY CLERK

CA4 ON HBL A08

B91

2003

Bill No. 103

THE CITY OF HAMILTON

BY-LAW NO. 03-103

To Confirm the Proceedings of City Council at its meeting held on April 30, 2003

THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:

1. The Action of City Council at its meeting held on the 30th day of April, 2003 in respect of each recommendation contained in:

Report 03-014 of the Committee of the Whole,

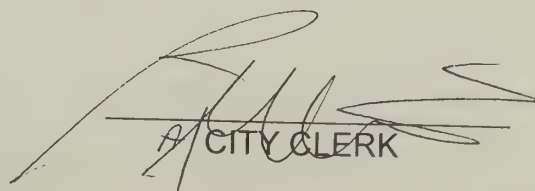
considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting, is, except where prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED and ENACTED this 30th day of April, 2003



MAYOR



CITY CLERK

CITY OF HAMILTON

BY-LAW NO. 03-104

**To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting Lands located at Upper Mount Albion Road and Old Mud Street**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap.14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as "The Corporation of the City of Stoney Creek" and is the successor to the former Regional Municipality, namely, The Regional Municipality of Hamilton-Wentworth;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 3692-92 (Stoney Creek) was enacted on the 8th day of December, 1992, and approved by the Ontario Municipal Board on the 31st day of May, 1994;

AND WHEREAS it is intended to change the zoning of the lands hereinafter referred to, and to establish special requirements under Subsections 6.5.7 and 6.10.7 of By-law No. 3692-92 (Stoney Creek), passed on the 8th day of December, 1992 and approved by the Ontario Municipal Board by Order dated the 31st day of May, 1994.

AND WHEREAS this by-law is in conformity with the Official Plan of the City of Hamilton (formerly the City of Stoney Creek Official Plan), approved by the Minister under the Planning Act on May 12, 1986;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Map No. 10 of Schedule "A", appended to and forming part of By-law No. 3692-92 (Stoney Creek) is amended as follows:
 - (a) by changing from the Neighbourhood Development "ND" Zone to the site-specific Single Residential "R4-10" Zone, the land comprised of Blocks "1" and "2"; and,

(1) 11/16/1919

- (b) by changing from the Neighbourhood Development "ND" Zone to the site-specific Multiple Residential "RM3-23" Zone, the land comprised of Block "3";

the extent and boundaries of which Blocks "1", "2" and "3" are shown on a plan hereto annexed as Schedule "A".

2. Subsection 6.5.7, "Special Exemptions" of Section 6.5, Single Residential "R4" Zone, of Zoning By-law No. 3693-92, is amended by adding a new special exemption, "R4-10", as follows:

"R4-10 Southeast Corner of Old Mud Street and Upper Mount Albion, Schedule "A", Map No. 10

Notwithstanding the provisions of Paragraph (b) of Subsection 6.5.3 of the Single Residential "R4" Zone, on those lands zoned "R4-10" by this by-law a minimum lot frontage of eleven (11) metres shall be required."

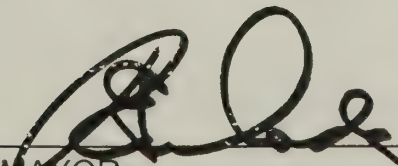
3. Subsection 6.10.7, "Special Exemptions" of Section 6.10, Multiple Residential "RM3" Zone, of Zoning By-law No. 3693-92, is amended by adding a new special exemption, "RM3-23", as follows:

"RM3-23 Northwest Corner of Mud Street West and Paramount Drive, Schedule "A", Map No. 10

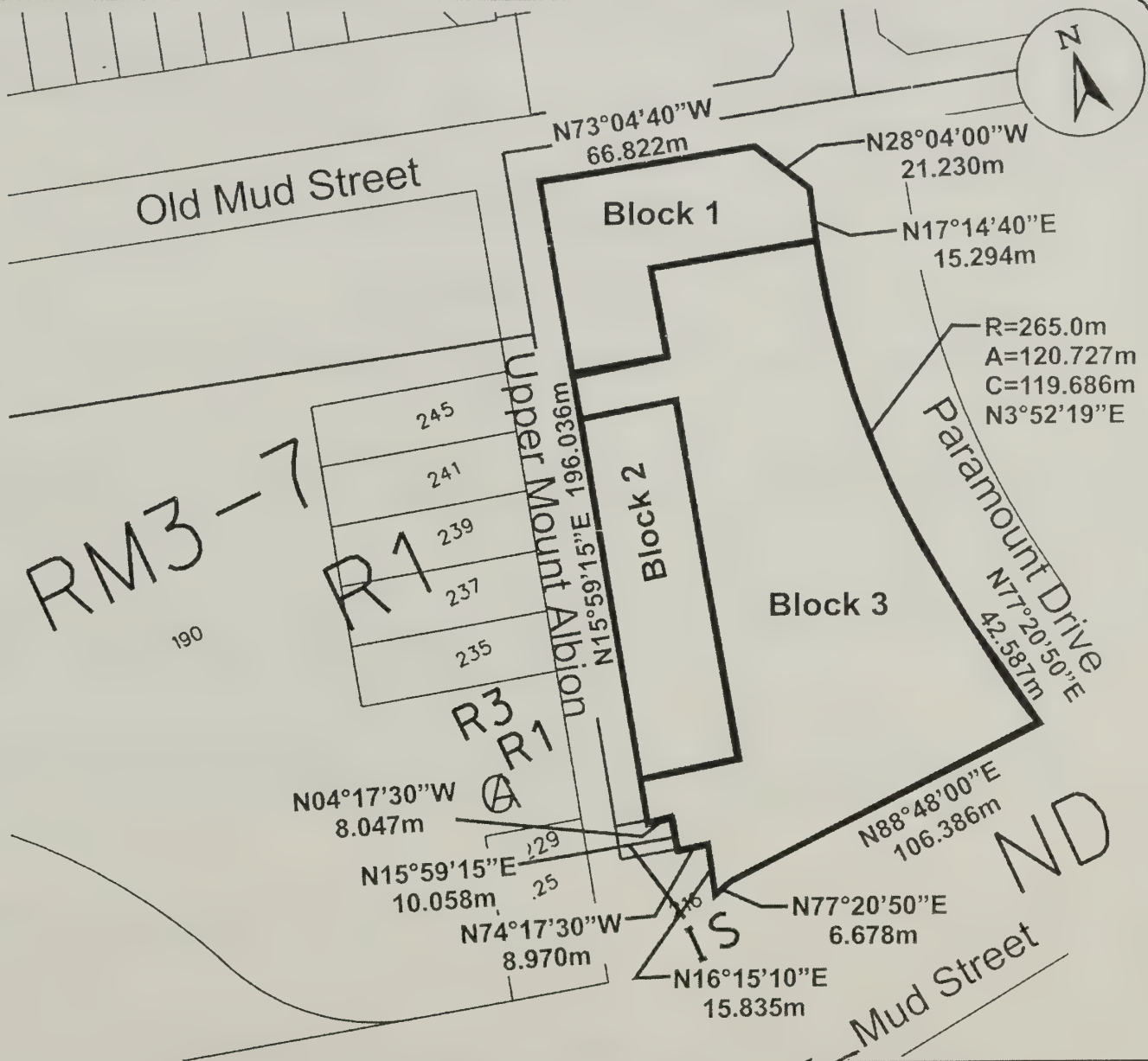
Notwithstanding the provisions of Paragraph (b) of Subsection 6.10.3 of the Multiple Residential "RM3" Zone, on those lands zoned "RM3-23" a minimum lot frontage of twenty-five (25) metres shall be required."

3. The City Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the Planning Act.

PASSED and ENACTED this 14th day of May, 2003.


MAYOR


CLERK



This is Schedule "A" to By-Law No. 03-104

Passed the 14 th day of May 2003

[Signature]
Clerk

[Signature]
Mayor

Schedule "A"

Map Forming Part of
By-Law No. 03-104
to Amend By-Law No. 3692-92



Hamilton

Planning and Development Department

Subject Property

Block 1 & 2 From the Neighbourhood Development "ND" Zone to the Site-Specific Single Residential "R4-10" Zone

Block 3 From the Neighbourhood Development "ND" Zone to the Site-Specific Multiple Residential "RM3-23" Zone

North 	Scale NOT TO SCALE	Reference File No ZAC-02-84&25T-200215
	Date April 28, 2003	Drawn By LM

BILL NO. 105

THE CITY OF HAMILTON

BY-LAW NO. 03- 105

BEING A BY-LAW TO SET OPTIONAL TAX CLASSES FOR THE YEAR 2003

WHEREAS the property classes have been prescribed by the Minister of Finance under the *Assessment Act*, c.A.31 as amended by the *Fair Municipal Finance Act 1997*, c.5 and Regulations thereto;

AND WHEREAS the Council of the City Of Hamilton, pursuant to the *Assessment Act*, as amended by the *Continued Protection for Property Taxpayers Act, 2000*, has the right to adopt optional property classes for the year 2003;

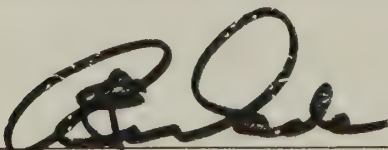
AND WHEREAS it is necessary for the Council of the City of Hamilton, pursuant to the *Assessment Act*, as amended by the *Continued Protection for Property Taxpayers Act, 2000*, to establish optional property classes for the year 2003, by the 31st day of October, 2002;

AND WHEREAS Ontario Regulation 417/02 extends the deadline for establishing optional property classes for the year 2003 from the 31st day of October, 2002 to the 30th day of May, 2003.

NOW THEREFORE the Council of the City of Hamilton hereby enacts as follows:

1. For the taxation year 2003, the following optional classes as defined in Ontario Regulation 282/98 shall apply in the City of Hamilton:
 - a) parking lots and vacant land property class;
 - b) large industrial property class;
 - c) new multi-residential class.
2. This By-law shall come into force and take effect as of January 1, 2003.

PASSED AND ENACTED this 14th day of May, 2003.



Mayor



City Clerk

CITY OF HAMILTON

BY-LAW NO. 03- 106

**BEING A BY-LAW TO
SET TAX RATIOS AND TAX REDUCTIONS FOR THE YEAR 2003**

WHEREAS it is necessary for the Council of the City of Hamilton, pursuant to Subsection 308 of the The Municipal Act, S.O 2001, c. 25, to establish tax ratios for 2003 for the City of Hamilton;

AND WHEREAS the tax ratios determine the relative amount of taxation to be borne by each property class;

AND WHEREAS the property classes have been prescribed by the Minister of Finance under the Assessment Act, c.A.31 as amended by the Fair Municipal Finance Act 1997, c.5 and Regulations thereto;

AND WHEREAS it is necessary for the Council of the City of Hamilton, pursuant to The Municipal Act, 2001 as amended, to establish tax reductions for prescribed property subclasses for 2003;

AND WHEREAS the property subclasses for which tax rate reductions are to be established are in accordance with section 8 of the Assessment Act as amended by the Fair Municipal Finance Act 1997 (No. 2), c.29;

AND WHEREAS the tax rate reductions, applicable to vacant commercial and industrial properties, reduce the property tax amounts that would otherwise be levied for municipal purposes.

NOW THEREFORE the Council of the City of Hamilton hereby enacts as follows:

1. For the taxation year 2003, the tax ratio for property in:
 - (a) the residential property class is 1.0000;
 - (b) the multi-residential property class is 2.6863;
 - (c) the new multi-residential property class is 1.0000;

- (d) the residual commercial property class is 2.1012;
- (e) the parking lot and vacant land class is 2.1012;
- (f) the residual industrial property class is 3.3352;
- (g) the large industrial class is 3.9109;
- (h) the pipeline property class is 1.4098;
- (i) the farm property class is 0.2250;
- (j) the managed forest property class is 0.2500.

2. The tax rate reduction for:

- (a) the vacant units and excess land subclasses in the residual commercial property class is 30%;
- (b) the vacant land, vacant units and excess land subclasses in the residual industrial property class is 35%;
- (c) the vacant units and excess land subclass in the large industrial property class is 35%;
- (d) the first class of farmland awaiting development in the residential, multi-residential, commercial or industrial property classes is 45%;
- (e) the second class of farmland awaiting development in the residential, multi-residential, commercial or industrial property classes is 0%;

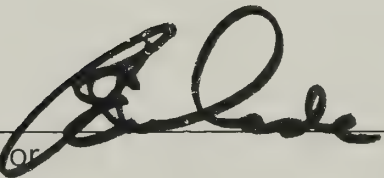
3. For the purposes of this By-law:

- a) the residual commercial property class includes all properties classified as commercial, as per Ontario Regulation 282/98, excluding properties classified in the parking lot and vacant land property class;
- b) the residual industrial property class includes all properties classified as industrial, as per Ontario Regulation 282/98, excluding properties classified in the large industrial property class;
- c) the large industrial property class includes all properties classified as large industrial as per Ontario Regulation 282/98;

- d) the first class of farmland awaiting development and the second class of farmland awaiting development consist of land as defined in accordance with the Ontario Regulation 282/98.

4. This By-law shall come into force and take effect as of January 1, 2003.

PASSED and ENACTED this 14th day of May, 2003.



Mayor



City Clerk

Authority: Item 47, Committee of the Whole
Report 03-002 (FCS03001)
CM: March 3, 2003
Item 14, Committee of the Whole
Report 03-013 (FCS03089)
CM: May 14, 2003

BILL NO. 107

CITY OF HAMILTON

BY-LAW NO. 03-107

Being a By-law to Set and Levy the Rates of Taxation for the Year 2003

WHEREAS The Municipal Act, S.O. 2001, c. 25 (herein referred to as "The Municipal Act") provides the authority for the Council of the City of Hamilton, to levy on the whole rateable property according to the last returned assessment roll for the current year, the tax rates required for the City and Public and Separate school purposes;

AND WHEREAS the total assessable property according to the last returned assessment roll is \$29,398,111,534;

AND WHEREAS section 312 of The Municipal Act, 2001 provides that for each municipal levy, the tax rates to be levied on the different classes of property shall be in the same proportion to each other as the tax ratios, established under section 308 of the The Municipal Act, 2001 for the property classes are to each other;

AND WHEREAS the City of Hamilton By-law No. 03-105 establishes optional tax classes;

AND WHEREAS the City of Hamilton By-law No. 03-106 establishes tax ratios and tax reduction amounts;

AND WHEREAS section 15 of the City of Hamilton Act, 1999, S.O. 1999, c. 14 (herein referred to as "The City of Hamilton Act") provides for the establishment of one or more municipal service areas and the ability to levy one or more special local municipality levies in the municipal service areas for the purpose of raising all or part of its costs for services including public transportation, fire protection and prevention and storm sewer services;

AND WHEREAS section 12 and 13 of The City of Hamilton Act provides for the establishment of merged areas and the taxation within these merged areas for special services and other adjustments to the general local municipality levy;

AND WHEREAS The Education Act provides that tax rates for school boards shall be prescribed as follows;

1. For the residential and multi-residential property classes a single tax rate, being .335% as set out in Ontario Regulation 74/03.
2. For the farm and managed forest property classes a tax rate equal to .08375% as set out in Ontario Regulation 74/03.
3. For the pipelines property class a single tax rate, being 1.455976% as set out in Ontario Regulation 74/03.
4. For properties within the commercial classes the rates set out in schedule "C" as prescribed in Ontario Regulation 74/03, or any other rates that may further be prescribed by the Minister of Finance.
5. For properties within the industrial classes the rates set out in schedule "C" as prescribed in Ontario Regulation 74/03, or any other rates that may further be prescribed by the Minister of Finance.
6. Applicable tax reductions as per Section 313 of The Municipal Act, 2001 with respect to the subclasses prescribed under subsection 8(1) of the Assessment Act.

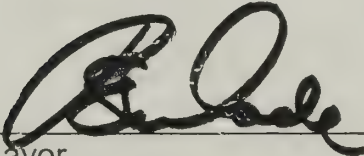
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

- 1(a) THAT the City Council hereby adopts the sum of \$495,493,190 as per Schedule "A" attached hereto, as the amount required for the general purposes of the City of Hamilton and for special purposes including transit, storm sewers, fire, culture and recreation and other financial adjustments, for the year 2003.
- (b) THAT the levies for City purposes and Education purposes as set out in Schedule 'B' shall be collected on the rateable property of the City of Hamilton.
2. THAT the tax rates set out in Schedule 'C' attached hereto shall be levied upon the Residential Assessment, the Multi-Residential Assessment, the Commercial Assessment, the Industrial Assessment, the Pipeline Assessment, the Farm Assessment and the Managed Forest Assessment and the applicable subclasses for General City purposes and Education as set out therein.
- 3(a) THAT the tax rates set out in Schedule 'D' attached hereto shall be levied upon the Residential Assessment, the Multi-Residential Assessment, the Commercial Assessment, the Industrial Assessment, the Pipeline Assessment, the Farm Assessment and the Managed Forest Assessment and the applicable subclasses for Storm Sewer purposes as set out therein.

- (b) THAT the tax rates set out in Schedule 'D' attached hereto shall be levied upon the Residential Assessment, the Multi-Residential Assessment, the Commercial Assessment, the Industrial Assessment and the Pipeline Assessment and the applicable subclasses in the Transit Service Area for Transit purposes as set out therein.
 - (c) THAT the tax rates set out in Schedule 'D' attached hereto shall be levied upon the Residential Assessment, the Multi-Residential Assessment, the Commercial Assessment, the Industrial Assessment, the Pipeline Assessment, the Farm Assessment and the Managed Forest Assessment and the applicable subclasses for Fire Services purposes as set out therein.
- 4(a) THAT the tax rates set out in Schedule 'D' attached hereto shall be levied upon the Residential Assessment, the Multi-Residential Assessment, the Commercial Assessment, the Industrial Assessment, the Pipeline Assessment, the Farm Assessment and the Managed Forest Assessment and the applicable subclasses for Culture and Recreation Services purposes as set out therein.
- (b) THAT the tax rates set out in Schedule 'D' attached hereto shall be levied upon the Residential Assessment, the Multi-Residential Assessment, the Commercial Assessment, the Industrial Assessment, the Pipeline Assessment, the Farm Assessment and the Managed Forest Assessment and the applicable subclasses for Financial purposes as set out therein.
5. THAT the collector shall proceed to collect the amount to be raised by this by-law, together with all other sums on the tax roll in the manner as set forth in The Assessment Act, The Municipal Act, 2001, and any other applicable Acts and the By-laws in force in this Municipality.
6. All property taxes and special levies other than those levied by interim levy, shall be paid in two installments, the first due June 30, 2003 and the second due September 30, 2003.
7. THAT in default of payment of any instalment of taxes or any part of any instalment, by the first day past the due date for the payment thereof, the subsequent installment or installments shall forthwith become due and payable.
8. THAT when payment of any instalment or any part of any instalment of taxes levied by this by-law is in default, penalties and where applicable interest, shall be imposed respectively in accordance with City of Hamilton policies.

9. THAT the Treasurer is authorized and directed to serve personally or to mail or cause to be mailed, notices of the taxes hereby levied to the person or persons taxed at the address of the resident or place of business of such person.
10. THAT the Treasurer and Collector of Taxes is authorized to accept part payment from time to time on account of any taxes due, or alternatively is authorized to refuse acceptance of any such part payment.
11. Schedules "A", "B", "C" and "D", attached to this By-law, form part of this By-law.

PASSED and ENACTED this 14th day of May, 2003.



Mayor



City Clerk

CITY OF HAMILTON

BY-LAW NO. 03-107

Schedule "A"

Page 1 of 1

2003 OPERATING BUDGET

2003 LEVY

City Services

Legislative	3,298,160
City Manager	659,610
Corporate Secretariat	4,163,860
Economic Development	3,921,840
Human Resources	3,642,370
Finance & Corporate Services	15,453,070
Planning & Development	9,338,510
Social & Public Health Services (includes Social Housing)	122,561,530
Transportation, Operations & Environment	98,782,470
Community Services	61,618,700
Outside Boards & Agencies	12,327,650
Community Partnership Program	2,744,880
Corporate Financials	15,814,270

Sub-Total Property Tax Levy for City Services **354,326,920**

Police Services 91,878,360

Non Program Revenues (52,988,610)

Total Property Tax Levy for General Purposes **393,216,670**

Area Rated Services

Storm Sewers	10,151,660
Transit	22,389,260
Culture & Recreation	22,295,330
Fire	48,975,810
Financial (Other)	(1,535,540)

Total Property Tax Levy for Area Rated Services **102,276,520**

Total Property Tax Levy Requirement **495,493,190**

CITY OF HAMILTON

BY-LAW NO. 03-107

Schedule "B"
Page 1 of 1

2003 TAX RATES AND LEVY - TOTAL TAX LEVY

Property Class	General Levy	Storm Sewers Levy	Culture & Recreation Levy	Fire Levy	Financial (Other) Levy	Transit Levy	Education Levy	Total All Levies
1 Residential	241,637,948	5,564,565	12,770,561	28,280,358	(1,273,997)	12,332,617	77,304,472	376,616,525
1 Land Awaiting Development	12,302	246	606	1,463	43	593	3,936	19,189
2 Multi-Residential	46,394,735	1,603,533	3,194,075	6,846,384	(10,841)	3,489,036	5,525,220	67,042,141
3a Commercial - Residual	50,340,565	1,388,792	2,985,295	6,518,528	(139,376)	3,061,891	57,982,652	122,138,346
- vacant bldg, excess land	795,255	12,710	32,840	79,723	(7,090)	29,400	915,981	1,858,819
Commercial - Office Building	1,002,367	38,242	74,154	155,643	(78)	82,415	1,154,534	2,507,277
- vacant bldg, excess land	-	-	-	-	-	-	-	-
3b Commercial - Parking Lot	346,980	13,203	25,631	53,826	-	28,454	399,654	867,749
- vacant land	1,642,227	36,430	84,710	192,985	(3,835)	84,012	1,891,529	3,928,058
3c Commercial - Shopping	15,707,162	503,899	1,049,344	2,219,102	(9,928)	1,105,762	18,091,631	38,666,972
- vacant bldg, excess land	45,211	1,519	3,037	6,457	(175)	3,257	52,074	111,381
4a Industrial - Residual	10,485,001	225,841	517,970	1,232,225	(26,763)	520,578	7,978,912	20,933,763
- vacant bldg, excess land,	3,591	137	266	558	-	296	2,732	7,580
- vacant land	13,555	231	612	1,366	(124)	490	10,315	26,445
4b Industrial - Large	20,825,033	716,384	1,422,093	3,086,890	19,842	1,579,497	15,847,505	43,497,244
- vacant bldg, excess land	37,573	1,436	2,783	5,841	-	3,094	28,592	79,318
5 Pipelines	2,799,565	39,618	106,295	235,119	(53,420)	67,868	2,761,098	5,956,142
6 Farm	1,107,705	4,804	24,603	58,296	(29,120)	-	393,750	1,560,038
7 Managed Forests	19,898	69	455	1,044	(678)	-	6,366	27,155
TOTAL	393,216,670	10,151,660	22,295,330	48,975,810	(1,535,540)	22,389,260	190,350,953	685,844,143

2003 TAX RATES AND LEVY - GENERAL PURPOSES AND PROVINCIAL EDUCATION

GENERAL RATES AND LEVY									
Property Class	Current Value Assessment	Other General Rate	Other General Levy	Social & Public Health Services Rate*	Social & Public Health Services Levy	Police Rate	Police Levy	Total General Rate	Total General Levy
1 Residential	23,075,981,802	0.00540356	124,692,388	0.00285750	65,939,483	0.00221036	51,006,077	0.01047141	241,637,948
1 Land Awaiting Development	2,136,000	0.00297196	6,348	0.00157162	3,357	0.00121570	2,597	0.00575928	12,302
2 Multi-Residential	1,649,319,430	0.01451572	23,941,067	0.00767617	12,660,449	0.00593773	9,793,219	0.02812962	46,394,735
3a Commercial - Residual	2,287,973,657	0.01135382	25,977,233	0.00600409	13,737,208	0.00464434	10,626,124	0.02200225	50,340,565
- vacant bldg, excess land	51,634,641	0.00794767	410,375	0.00420287	217,013	0.00325104	167,866	0.01540157	795,255
Commercial - Office Building	45,557,487	0.01135382	517,251	0.00600409	273,531	0.00464434	211,584	0.02200225	1,002,367
- vacant bldg, excess land	-	0.00794767	-	0.00420287	-	0.00325104	-	0.01540157	-
3b Commercial - Parking Lot	15,770,200	0.01135382	179,052	0.00600409	94,886	0.00464434	73,242	0.02200225	346,980
- vacant land	74,639,030	0.01135382	847,438	0.00600409	448,140	0.00464434	346,649	0.02200225	1,642,227
3c Commercial - Shopping	713,888,960	0.01135382	8,105,364	0.00600409	4,286,256	0.00464434	3,315,542	0.02200225	15,707,162
- vacant bldg, excess land	2,935,455	0.00794767	23,330	0.00420287	12,337	0.00325104	9,543	0.01540157	45,211
4a Industrial - Residual	300,224,462	0.01802176	5,410,573	0.00953022	2,861,204	0.00737190	2,213,223	0.03492387	10,485,001
- vacant bldg, excess land,	158,161	0.01171414	1,853	0.00619464	980	0.00479173	758	0.02270052	3,591
- vacant land	597,100	0.01171414	6,995	0.00619464	3,699	0.00479173	2,861	0.02270052	13,555
4b Industrial - Large	508,514,140	0.02113282	10,746,338	0.01117540	5,682,849	0.00864449	4,395,846	0.04095271	20,825,033
- vacant bldg, excess land	1,411,480	0.01373633	19,389	0.00726401	10,253	0.00561892	7,931	0.02661926	37,573
5 Pipelines	189,639,000	0.00761794	1,444,659	0.00402850	763,960	0.00311616	590,945	0.01476260	2,799,565
6 Farm	470,149,836	0.00121580	571,609	0.00064294	302,277	0.00049733	233,820	0.00235607	1,107,705
7 Managed Forests	7,600,693	0.00135089	10,268	0.00071437	5,430	0.00055259	4,200	0.00261785	19,898
TOTAL	29,398,111,534		202,911,530		107,303,112		83,002,028		393,216,670
									190,350,953

* Includes Social Housing

2003 TAX RATES AND LEVY - AREA RATED SERVICES

Table 1 - Stoney Creek

Property Class	Current Value Assessment	Storm Sewers Rate	Storm Sewers Levy	Culture & Recreation Rate	Culture & Recreation Levy	Fire Rate	Fire Levy	Financial (Other) Rate	Financial (Other) Levy	Current Value Assessment Transit Service	Transit Rate	Transit Levy
1 Residential	3,251,898,186	0.00007183	233,570	0.00027705	900,928	0.00100500	3,288,154	0.00008214	267,114	3,097,773,681	0.00030178	934,849
1 Land Awaiting Development	956,000	0.00003950	38	0.00015238	146	0.00055275	528	0.00004518	43	956,000	0.00016598	159
2 Multi-Residential	94,508,970	0.00019295	18,235	0.00074424	70,337	0.00289975	255,151	0.00022066	20,854	94,508,970	0.00081068	76,617
3a Commercial - Residential	294,763,225	0.00015092	44,485	0.00058212	171,589	0.00211168	622,444	0.00017259	50,874	280,236,110	0.00063409	177,696
- vacant bldg, excess land	16,509,870	0.00010564	1,744	0.00040749	6,728	0.00147817	24,404	0.00012081	1,995	16,092,490	0.00044387	7,143
Commercial - Office Building	-	0.00015092	-	0.00058212	-	0.00211168	-	0.00017259	0	-	0.00063409	-
- vacant bldg, excess land	-	0.00010564	-	0.00040749	-	0.00147817	-	0.00012081	0	-	0.00044387	-
3b Commercial - Parking Lot	-	0.00015092	-	0.00058212	-	0.00211168	-	0.00017259	0	-	0.00063409	-
- vacant land	-	0.00015092	-	0.00058212	-	0.00211168	-	0.00017259	0	-	0.00063409	-
3c Commercial - Shopping	18,838,200	0.00015092	2,843	0.00058212	10,966	0.00211168	39,780	0.00017259	3,251	18,560,700	0.00063409	11,769
- vacant bldg, excess land	41,619,795	0.00015092	6,281	0.00058212	24,228	0.00211168	87,888	0.00017259	7,183	41,619,795	0.00063409	26,391
4a Industrial - Residential	98,169,820	0.00023955	23,517	0.00092400	90,709	0.00335184	329,049	0.00027395	26,894	94,647,560	0.00100649	95,262
- vacant bldg, excess land,	-	0.00015571	-	0.00060060	-	0.00217869	-	0.00017807	0	-	0.00065422	-
- vacant land	115,000	0.00015571	18	0.00060060	69	0.00217869	251	0.00017807	20	115,000	0.00065422	75
4b Industrial - Large	61,764,830	0.00028090	17,350	0.00108350	66,922	0.00393046	242,764	0.00032125	19,842	61,764,830	0.00118024	72,897
- vacant bldg, excess land	-	0.00018259	-	0.00070428	-	0.00255480	-	0.00020881	0	-	0.00076715	-
5 Pipelines	10,332,000	0.00010126	1,046	0.00039058	4,035	0.00141685	14,639	0.00011580	1,196	-	0.00042545	-
6 Farm	39,610,795	0.00001616	640	0.00006234	2,469	0.00022612	8,957	0.00001848	732	-	-	-
7 Managed Forests	77,175	0.00001796	1	0.00006926	5	0.00025125	19	0.00002054	2	-	-	-
TOTAL	3,929,163,866	-	349,769	-	1,349,131	-	4,894,029	-	400,000	3,706,275,136	-	1,402,857

Table 2 - Hamilton

Property Class	Current Value Assessment	Storm Sewers Rate	Storm Sewers Levy	Culture & Recreation Rate	Culture & Recreation Levy	Fire Rate	Fire Levy	Financial (Other) Rate	Financial (Other) Levy	Current Value Assessment Transit Service	Transit Rate	Transit Levy
1 Residential	12,327,946,883	0.00040009	4,932,284	0.00077563	9,561,884	0.00162782	20,067,734	-	0	12,327,946,883	0.00086230	10,630,345
1 Land Awaiting Development	916,000	0.00022005	202	0.00042659	391	0.00089530	820	-	0	916,000	0.00047426	434
2 Multi-Residential	1,453,259,240	0.00107477	1,561,921	0.00208359	3,027,990	0.00437287	6,354,908	-	0	1,453,259,240	0.00231641	3,366,343
3a Commercial - Residential	1,542,945,029	0.00084066	1,297,088	0.00162973	2,514,577	0.00342034	5,277,397	-	0	1,542,945,029	0.00181183	2,795,560
- vacant bldg, excess land	17,150,225	0.00058846	10,092	0.00114081	19,565	0.00239424	41,062	-	0	17,150,225	0.00126828	21,751
Commercial - Office Building	45,486,787	0.00084066	38,239	0.00162973	74,131	0.00342034	155,580	-	0	45,486,787	0.00181183	82,415
- vacant bldg, excess land	-	0.00058846	-	0.00114081	-	0.00239424	-	-	0	-	0.00126828	-
3b Commercial - Parking Lot	15,681,200	0.00084066	13,183	0.00162973	25,556	0.00342034	53,635	-	0	15,681,200	0.00181183	28,412
- vacant land	37,852,730	0.00084066	31,821	0.00162973	61,690	0.00342034	129,469	-	0	37,852,730	0.00181183	68,583
3c Commercial - Shopping	580,416,160	0.00084066	487,931	0.00162973	945,919	0.00342034	1,985,221	-	0	580,416,160	0.00181183	1,051,618
- vacant bldg, excess land	2,518,300	0.00058846	1,482	0.00114081	2,873	0.00239424	6,029	-	0	2,518,300	0.00126828	3,194
4a Industrial - Residential	145,277,696	0.00133436	193,653	0.00258664	375,810	0.00542906	788,721	-	0	145,277,696	0.00287590	417,804
- vacant bldg, excess land,	158,161	0.00086734	137	0.00168145	266	0.00352889	558	-	0	158,161	0.00186933	296
- vacant land	222,100	0.00086734	193	0.00168145	373	0.00352889	784	-	0	222,100	0.00186933	415
4b Industrial - Large	446,749,310	0.00156471	699,034	0.00303340	1,355,170	0.00636627	2,844,126	-	0	446,749,310	0.00337236	1,506,600
- vacant bldg, excess land	1,411,480	0.00101706	1,436	0.00197171	2,783	0.00413807	5,841	-	0	1,411,480	0.00219203	3,094
5 Pipelines	55,828,000	0.00056405	31,490	0.00109348	61,047	0.00229491	128,120	-	0	55,828,000	0.00121567	67,868
6 Farm	2,304,350	0.00009002	207	0.00017452	402	0.00036626	844	-	0	-	-	-
7 Managed Forests	44,950	0.00010002	4	0.00019391	9	0.00040696	18	-	0	-	-	-
TOTAL	16,676,168,601	-	9,300,598	-	18,030,435	-	37,840,868	-	-	16,673,819,301	-	20,044,731

2003 TAX RATES AND LEVY - AREA RATED SERVICES

Table 3 - Ancaster

Property Class	Current Value Assessment	Storm Sewers Rate	Storm Sewers Levy	Culture & Recreation Rate	Culture & Recreation Levy	Fire Rate	Fire Levy	Financial (Other) Rate	Financial (Other) Levy	Current Value Assessment Transit Service	Transit Rate	Transit Levy
1 Residential	2,361,299,368	0.00004528	106,916	0.00047741	1,127,307	0.00078932	1,863,817	-	0	1,965,252,074	0.00016473	323,735
1 Land Awaiting Development	264,000	0.00002490	7	0.00026258	69	0.00043413	115	-	0	-	0.00009060	-
2 Multi-Residential	7,972,000	0.00012163	970	0.00128248	10,224	0.00212037	16,904	-	0	7,972,000	0.00044252	3,528
3a Commercial - Residential	169,955,807	0.00009514	16,169	0.00100312	170,486	0.00165849	281,871	-	0	114,958,060	0.00034612	39,790
- vacant bldg, excess land	4,569,015	0.00006660	304	0.00070218	3,208	0.00116095	5,304	-	0	110,000	0.00024229	27
Commercial - Office Building	-	0.00009514	-	0.00100312	-	0.00165849	-	-	0	-	0.00034612	-
- vacant bldg, excess land	-	0.00006660	-	0.00070218	-	0.00116095	-	-	0	-	0.00024229	-
3b Commercial - Parking Lot	-	0.00009514	-	0.00100312	-	0.00165849	-	-	0	-	0.00034612	-
- vacant land	-	0.00009514	-	0.00100312	-	0.00165849	-	-	0	-	0.00034612	-
3c Commercial - Shopping	8,142,000	0.00009514	775	0.00100312	8,167	0.00165849	13,503	-	0	5,321,000	0.00034612	1,842
- vacant bldg, excess land	63,110,860	0.00009514	6,004	0.00100312	63,308	0.00165849	104,669	-	0	63,110,860	0.00034612	21,844
4a Industrial - Residential	13,510,125	0.00015101	2,040	0.00159224	21,511	0.0016095	35,565	-	0	-	0.00024229	-
- vacant bldg, excess land,	-	0.00009816	-	0.00103496	-	0.00171113	-	-	0	302,000	0.00054940	166
- vacant land	116,000	0.00009816	11	0.00103496	120	0.00171113	198	-	0	-	0.00035711	-
4b Industrial - Large	-	0.00017708	-	0.00186710	-	0.00308695	-	-	0	-	0.00064424	-
- vacant bldg, excess land	-	0.00011510	-	0.00121362	-	0.00200652	-	-	0	-	0.00041876	-
5 Pipelines	25,316,000	0.00006383	1,616	0.00067305	17,039	0.00111278	28,171	-	0	-	0.00023224	-
6 Farm	86,058,345	0.00001019	877	0.00010742	9,244	0.00017760	15,284	-	0	-	-	-
7 Managed Forests	1,411,355	0.00001132	16	0.00011935	168	0.00019733	279	-	0	-	-	-
TOTAL	2,741,724,875		135,705		1,430,853		2,365,680		-	2,157,025,994		390,931

Table 4 - Dundas

Property Class	Current Value Assessment	Storm Sewers Rate	Storm Sewers Levy	Culture & Recreation Rate	Culture & Recreation Levy	Fire Rate	Fire Levy	Financial (Other) Rate	Financial (Other) Levy	Current Value Assessment Transit Service	Transit Rate	Transit Levy
1 Residential	1,478,440,972	0.00011169	165,130	0.00040157	593,693	0.00102286	1,512,245	-	0	1,410,586,509	0.00022606	318,870
1 Land Awaiting Development	-	0.00006143	-	0.00022086	-	0.00056258	-	-	0	-	0.00012433	-
2 Multi-Residential	70,067,610	0.00030004	21,023	0.00107874	75,585	0.00274775	192,528	-	0	70,067,610	0.00060726	42,549
3a Commercial - Residential	67,506,789	0.00023468	15,843	0.00084376	56,960	0.00214921	145,087	-	0	66,305,459	0.00047498	31,494
- vacant bldg, excess land	618,937	0.00016428	102	0.00059063	366	0.00150445	931	-	0	532,492	0.00033249	177
Commercial - Office Building	-	0.00023468	-	0.00084376	-	0.00214921	-	-	0	-	0.00047498	-
- vacant bldg, excess land	-	0.00016428	-	0.00059063	-	0.00150445	-	-	0	-	0.00033249	-
3b Commercial - Parking Lot	89,000	0.00023468	21	0.00084376	75	0.00214921	191	-	0	89,000	0.00047498	42
- vacant land	1,097,500	0.00023468	258	0.00084376	926	0.00214921	2,359	-	0	1,097,500	0.00047498	521
3c Commercial - Shopping	12,440,000	0.00023468	2,919	0.00084376	10,496	0.00214921	26,736	-	0	12,440,000	0.00047498	5,909
- vacant bldg, excess land	190,000	0.00016428	31	0.00059063	112	0.00150445	286	-	0	190,000	0.00033249	63
4a Industrial - Residential	8,677,504	0.00037251	3,232	0.00133929	11,622	0.00341142	29,603	-	0	8,625,609	0.00075393	6,503
- vacant bldg, excess land,	-	0.00024213	-	0.00087054	-	0.00221742	-	-	0	-	0.00049006	-
- vacant land	-	0.00024213	-	0.00087054	-	0.00221742	-	-	0	-	0.00049006	-
4b Industrial - Large	-	0.00043682	-	0.00157049	-	0.00400033	-	-	0	-	0.00088408	-
- vacant bldg, excess land	-	0.00028393	-	0.00102082	-	0.00260021	-	-	0	-	0.00057465	-
5 Pipelines	5,750,000	0.00015746	905	0.00056613	3,255	0.00144203	8,292	-	0	-	0.00031869	-
6 Farm	647,500	0.00002513	16	0.00009035	59	0.00023014	149	-	0	-	-	-
7 Managed Forests	548,230	0.00002792	15	0.00010039	55	0.00025572	140	-	0	-	-	-
TOTAL	1,646,074,042		209,496		753,203		1,918,546		-	1,569,934,179		406,129

2003 TAX RATES AND LEVY - AREA RATED SERVICES

Table 5 - Flamborough

Property Class	Current Value Assessment	Storm Sewers Rate	Storm Sewers Levy	Culture & Recreation Rate	Culture & Recreation Levy	Fire Rate	Fire Levy	Financial (Other) Rate	Financial (Other) Levy	Current Value Assessment Transit Service	Transit Rate	Transit Levy
1 Residential	2,792,760,483	0.00001866	52,123	0.00015657	437,268	0.00042499	1,186,899	0.00052233	-1,458,749	-	-	-
1 Land Awaiting Development	-	0.00001026	-	0.00008611	-	0.00023375	-	0.00028728	0	-	-	-
2 Multi-Residential	22,382,610	0.00005014	1,122	0.00042060	9,414	0.00114166	25,553	0.00140315	-31,406	-	-	-
3a Commercial - Residential	164,534,245	0.00003922	6,452	0.00032898	54,129	0.00089298	146,926	0.00109751	-180,578	-	-	-
- vacant bldg, excess land	11,610,390	0.00002745	319	0.00023029	2,674	0.00062509	7,257	0.00076826	-8,920	-	-	-
Commercial - Office Building	70,700	0.00003922	3	0.00032898	23	0.00089298	63	0.00109751	-78	-	-	-
- vacant bldg, excess land	-	0.00002745	-	0.00023029	-	0.00062509	-	0.00076826	0	-	-	-
3b Commercial - Parking Lot	-	0.00003922	-	0.00032898	-	0.00089298	-	0.00109751	0	-	-	-
- vacant land	5,953,600	0.00003922	233	0.00032898	1,959	0.00089298	5,316	0.00109751	-6,534	-	-	-
3c Commercial - Shopping	15,432,235	0.00003922	605	0.00032898	5,077	0.00089298	13,781	0.00109751	-16,937	-	-	-
- vacant bldg, excess land	227,155	0.00002745	6	0.00023029	52	0.00062509	142	0.00076826	-175	-	-	-
4a Industrial - Residential	29,954,510	0.00006225	1,865	0.00052219	15,642	0.00141742	42,458	0.00174206	-52,183	-	-	-
- vacant bldg, excess land,	-	0.00004046	-	0.00033943	-	0.00092132	-	0.00113234	0	-	-	-
- vacant land	124,000	0.00004046	5	0.00033943	42	0.00092132	114	0.00113234	-140	-	-	-
4b Industrial - Large	-	0.00007299	-	0.00061234	-	0.00166210	-	0.00204279	0	-	-	-
- vacant bldg, excess land	-	0.00004744	-	0.00039802	-	0.00108037	-	0.00132781	0	-	-	-
5 Pipelines	70,093,000	0.00002631	1,844	0.00022074	15,472	0.00059915	41,996	0.00073638	-51,615	-	-	-
6 Farm	234,460,325	0.00000420	985	0.00003523	8,260	0.00009562	22,420	0.00011752	-27,555	-	-	-
7 Managed Forests	5,135,093	0.00000467	24	0.00003914	201	0.00010625	546	0.00013058	-671	-	-	-
TOTAL	3,352,738,346		65,586		550,213		1,493,472		- 1,835,540			

Table 6 - Glanbrook

Property Class	Current Value Assessment	Storm Sewers Rate	Storm Sewers Levy	Culture & Recreation Rate	Culture & Recreation Levy	Fire Rate	Fire Levy	Financial (Other) Rate	Financial (Other) Levy	Current Value Assessment Transit Service	Transit Rate	Transit Levy
1 Residential	863,615,910	0.00008631	74,542	0.00017309	149,482	0.00044176	381,510	0.00009537	-82,361	334,511,985	0.00037314	124,818
1 Land Awaiting Development	-	0.00004747	-	0.00009520	-	0.00024297	-	0.00005245	0	-	0.00020522	-
2 Multi-Residential	1,129,000	0.00023187	262	0.00046497	525	0.00118671	1,340	0.00025619	-289	-	0.00100236	-
3a Commercial - Residential	48,268,562	0.00018136	8,754	0.00036369	17,555	0.00092821	44,803	0.00020038	-9,672	22,131,019	0.00078402	17,351
- vacant bldg, excess land	1,176,204	0.00012695	149	0.00025458	299	0.00064975	764	0.00014027	-165	551,105	0.00054882	302
Commercial - Office Building	-	0.00018136	-	0.00036369	-	0.00092821	-	0.00020038	0	-	0.00078402	-
- vacant bldg, excess land	-	0.00012695	-	0.00025458	-	0.00064975	-	0.00014027	0	-	0.00054882	-
3b Commercial - Parking Lot	-	0.00018136	-	0.00036369	-	0.00092821	-	0.00020038	0	-	0.00078402	-
- vacant land	2,755,000	0.00018136	500	0.00036369	1,002	0.00092821	2,557	0.00020038	-552	1,654,500	0.00078402	1,297
3c Commercial - Shopping	869,910	0.00018136	158	0.00036369	316	0.00092821	807	0.00020038	-174	-	0.00078402	-
- vacant bldg, excess land	-	0.00012695	-	0.00025458	-	0.00064975	-	0.00014027	0	-	0.00054882	-
4a Industrial - Residential	4,634,807	0.00028787	1,334	0.00057728	2,676	0.00147334	6,829	0.00031807	-1,474	677,395	0.00124447	843
- vacant bldg, excess land,	-	0.00018712	-	0.00037523	-	0.00095767	-	0.00020674	0	-	0.00080890	-
- vacant land	20,000	0.00018712	4	0.00037523	8	0.00095767	19	0.00020674	-4	-	0.00080890	-
4b Industrial - Large	-	0.00033756	-	0.00067693	-	0.00172768	-	0.00037298	0	-	0.00145930	-
- vacant bldg, excess land	-	0.00021942	-	0.00044001	-	0.00112299	-	0.00024243	0	-	0.00094854	-
5 Pipelines	22,320,000	0.00012169	2,716	0.00024402	5,447	0.00062279	13,901	0.00013445	-3,001	-	0.00052605	-
6 Farm	107,068,521	0.00001942	2,079	0.00003894	4,170	0.00009940	10,642	0.00002146	-2,297	-	-	-
7 Managed Forests	383,890	0.00002158	8	0.00004327	17	0.00011044	42	0.00002384	-9	-	-	-
TOTAL	1,052,241,804		90,506		181,495		463,215		- 100,000	359,526,004		144,612

Authority: Item 47, Committee of the Whole
Report 03-002 (FCS03001)
CM: March 3, 2003

Bill No. 108

CITY OF HAMILTON

BY-LAW NO. 03-108

Being a By-law to Levy a Special Charge Upon the Ratable Property in the Business Improvement Areas for the Year 2003

WHEREAS Section 208 of The Municipal Act, S.O. 2001, c. 25 (herein referred to as "The Municipal Act") requires the City to levy a special charge upon the rateable properties in the Business Improvement Areas that are in a prescribed business property class sufficient to raise the amount required for the purposes of the Boards of Management of the Business Improvement Areas;

AND WHEREAS the City of Hamilton By-law No. 03-105 establishes optional tax classes for the year 2003;

AND WHEREAS the City of Hamilton By-law No. 03-106 establishes tax ratios and tax reduction amounts for the year 2003;

AND WHEREAS the City has created the eleven (11) Business Improvement Areas, as listed in Schedule 'A' attached to this By-law;

AND WHEREAS the amount of money to be provided by the City to the Boards of Management of the Business Improvement Areas for the year 2003 is set out in Schedule 'A';

AND WHEREAS the total rateable property in the Business Improvement Areas, upon which assessment will be levied, is set out in Schedule 'A' and which said assessment is the basis upon which the taxes for the Business Improvement Area will be raised.

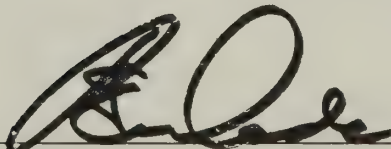
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. THAT the tax rates set out in Schedule 'A' attached hereto shall be levied upon the rateable properties as set out therein for the purposes of raising the sums of money required by the respective Boards of Management of the eleven (11) Business Improvement Areas.
2. THAT the collector shall proceed to collect the amount to be raised by this by-law, together with all other sums on the tax roll in the manner as set forth in The Assessment Act, The Municipal Act, 2001 and any other applicable Acts and the By-laws in force in this Municipality.

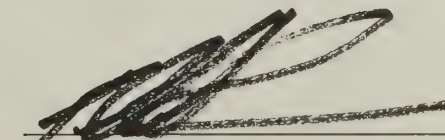
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3. All property taxes and special levies other than those levied by interim levy, shall be paid in two installments, the first due June 30, 2003 and the second due September 30, 2003.
4. THAT in default of payment of any instalment of taxes or any part of any instalment, by the first day past the due date for the payment thereof, the subsequent instalment or installments shall forthwith become due and payable.
5. THAT when payment of any instalment or any part of any instalment of taxes levied by this by-law is in default, penalties and where applicable interest, shall be imposed respectively in accordance with City of Hamilton policies.
6. THAT the Treasurer is authorized and directed to serve personally or to mail or cause to be mailed, notices of the taxes hereby levied to the person or persons taxed at the address of the resident or place of business of such person.
7. THAT the Treasurer and Collector of Taxes is authorized to accept part payment from time to time on account of any taxes due, or alternatively is authorized to refuse acceptance of any such part payment.
8. Schedule "A", attached to this By-law, form part of this By-law.

PASSED and ENACTED this 14th day of May, 2003.



Mayor



City Clerk

2003 TAX RATES AND LEVY - BUSINESS IMPROVEMENT AREAS

Table 1 - Concession Street

Property Class	Current Value Assessment	Ratio	Weighted Assessment	Assessment Vacancy Adjusted	BIA Tax Rate	BIA Levy
3a Commercial - Residual	CT \$ 18,250,290	2.1012	38,347,010	38,347,010	0.00259173	\$ 47,299.83
- vacant bldg, excess land	CU	1.4708	-	-	0.00181421	-
3c Commercial - Shopping	ST \$	2.1012	-	-	0.00259173	-
- vacant bldg, excess land	SU	1.4708	-	-	0.00181421	-
3b Commercial - Parking Lot & Vacant Land	GT & CX \$ 656,000	2.1012	1,378,369	1,378,369	0.00259173	\$ 1,700.17
4a Industrial - Residual	IT \$	3.3352	-	-	0.00411382	-
- vacant bldg, excess land,	IU \$	2.1679	-	-	0.00267398	-
4b Industrial - Large	LT \$	3.9109	-	-	0.00482398	-
- vacant bldg, excess land	LU \$	2.5421	-	-	0.00313559	-
Total	\$ 18,906,290		\$ 39,725,379	\$ 39,725,379		\$ 49,000.00
Approved 2003 Budget	\$ 49,000	divided by assessment vacancy adjusted	\$ 39,725,379	0.00123347	at ratio 1.00.	

Table 2 - Westdale

Property Class	Current Value Assessment	Ratio	Weighted Assessment	Assessment Vacancy Adjusted	BIA Tax Rate	BIA Levy
3a Commercial - Residual	CT \$ 11,641,000	2.1012	24,459,751	24,459,751	0.00773129	\$ 90,000.00
- vacant bldg, excess land	CU	1.4708	-	-	0.00541191	-
3c Commercial - Shopping	ST \$	2.1012	-	-	0.00773129	-
- vacant bldg, excess land	SU	1.4708	-	-	0.00541191	-
3b Commercial - Parking Lot & Vacant Land	GT & CX \$	2.1012	-	-	0.00773129	-
4a Industrial - Residual	IT \$	3.3352	-	-	0.01227178	-
- vacant bldg, excess land,	IU \$	2.1679	-	-	0.00797666	-
4b Industrial - Large	LT \$	3.9109	-	-	0.01439023	-
- vacant bldg, excess land	LU \$	2.5421	-	-	0.00935365	-
Total	\$ 11,641,000		\$ 24,459,751	\$ 24,459,751		\$ 90,000.00
Approved 2003 Budget	\$ 90,000	divided by assessment vacancy adjusted	\$ 24,459,751	0.00367951	at ratio 1.00.	

2003 TAX RATES AND LEVY - BUSINESS IMPROVEMENT AREAS

Table 3 - Ottawa Street

Property Class	Current Value Assessment	Ratio	Weighted Assessment	Assessment Vacancy Adjusted	BIA Tax Rate	BIA Levy
3a Commercial - Residual	\$ 14,221,500	2.1012	29,881,827	29,881,827	0.00636020	\$ 90,451.51
- vacant bldg, excess land		1.4708	-	-	0.00445214	\$ -
3c Commercial - Shopping	\$ -	2.1012	-	-	0.00636020	\$ -
- vacant bldg, excess land		1.4708	-	-	0.00445214	\$ -
3b Commercial - Parking Lot & Vacant Land	\$ 440,000	2.1012	924,516	924,516	0.00636020	\$ 2,798.49
4a Industrial - Residual	\$ -	3.3352	-	-	0.01009545	\$ -
- vacant bldg, excess land,		2.1679	-	-	0.00656204	\$ -
4b Industrial - Large	\$ -	3.9109	-	-	0.01183821	\$ -
- vacant bldg, excess land		2.5421	-	-	0.00769484	\$ -
Total	\$ 14,661,500		\$ 30,806,343	\$ 30,806,343		\$ 93,250.00
Approved 2003 Budget	\$ 93,250	divided by assessment vacancy adjusted	\$ 30,806,343	equals tax rate	0.00302697	at ratio 1.00.

Table 4 - International Village

Property Class	Current Value Assessment	Ratio	Weighted Assessment	Assessment Adjusted	BIA Tax Rate	BIA Levy
3a Commercial - Residual - vacant bldg, excess land	\$ 24,926,305	2.1012	52,374,470	\$ 52,374,470	0.00380383	\$ 94,815.38
3c Commercial - Shopping - vacant bldg, excess land	\$ -	1.4708	-	-	0.00266268	-
3b Commercial - Parking Lot & Vacant Land	\$ -	2.1012	2,863,898	2,863,898	0.00380383	-
4a Industrial - Residual - vacant bldg, excess land,	\$ -	3.3352	-	-	0.00266268	-
4b Industrial - Large - vacant bldg, excess land	\$ -	2.1679	-	-	0.00603777	5,184.62
	\$ -	3.9109	-	-	0.00392455	-
	\$ -	2.5421	-	-	0.00708005	-
Total	\$ 26,289,305		\$ 55,238,369	\$ 55,238,369	0.00460203	\$ 100,000.00
Approved 2003 Budget	\$ 100,000	divided by assessment vacancy adjusted	\$ 55,238,369	equals tax rate	0.00481034	at ratio 1.00.

2003 TAX RATES AND LEVY - BUSINESS IMPROVEMENT AREAS

Table 5 - Barton Village

Property Class	Current Value Assessment	Ratio	Weighted Assessment	Assessment Vacancy Adjusted	BIA Tax Rate	BIA Levy
3a Commercial - Residual	CT \$ 10,503,450	2.1012	22,069,562	\$ 22,069,562	0.00177211	\$ 18,613.24
- vacant bldg, excess land	CU	1.4708	-	-	0.00124048	\$ -
3c Commercial - Shopping	ST \$ -	2.1012	-	-	0.00177211	\$ -
- vacant bldg, excess land	SU	1.4708	-	-	0.00124048	\$ -
3b Commercial - Parking Lot & Vacant Land	GT & CX \$ 135,200	2.1012	284,079	\$ 284,079	0.00177211	\$ 239.59
4a Industrial - Residual	IT \$ 86,000	3.3352	286,824	\$ 286,824	0.00281284	\$ 241.90
- vacant bldg, excess land,	IU	2.1679	-	-	0.00182835	\$ -
4b Industrial - Large	LT \$ 1,790,333	3.9109	7,001,824	\$ 7,001,824	0.00329842	\$ 5,905.27
- vacant bldg, excess land	LU	2.5421	-	-	0.00214397	\$ -
Total	\$ 12,514,983		\$ 29,642,288	\$ 29,642,288		\$ 25,000.00
Approved 2003 Budget \$ 25,000 divided by assessment vacancy adjusted \$ 29,642,288 equals tax rate 0.00084339 at ratio 1.00.						

Use Rateable Assessment

* Westinghouse 2/3 assessment reduction as per By-law 98-15
030-233-06050, 030-237-03410, 030-237-09140

	Gross Assessment	Adjustment	Rateable Assessment	Gross Tax	Adj Tax	Net Tax
Residual Commercial	\$ 197,100	\$ 131,400	\$ 65,700	\$ 349.28	\$ 232.85	\$ 116.42745237
-vacant unit, excess land	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Residual Industrial	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Residual Industrial	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Large Industrial	\$ 5,371,000	\$ 3,580,667	\$ 1,790,333	\$ 17,715.80	\$ 11,810.53	\$ 5,905.26691011
	\$ 5,568,100	\$ 3,712,067	\$ 1,856,033	\$ 18,065.08	\$ 12,043.39	\$ 6,021.69436249

2003 TAX RATES AND LEVY - BUSINESS IMPROVEMENT AREAS

Table 6 - Downtown

Property Class	Current Value Assessment	Ratio	Weighted Assessment	Assessment Vacancy Adjusted	BIA Tax Rate	BIA Levy
3a Commercial - Residual - vacant bldg, excess land	CT/DT \$ 73,110,900	2.1012	153,618,623	\$ 153,618,623	0.00205386	\$ 150,159.72
3c Commercial - Shopping - vacant bldg, excess land	CU \$ 188,000	1.4708	-	-	0.00143770	\$ -
3b Commercial - Parking Lot & Vacant Land	SU \$ 5,090,000	2.1012	395,020	395,020	0.00205386	\$ 386.13
4a Industrial - Residual - vacant bldg, excess land,	GT & CX \$ 5,090,000	1.4708	-	-	0.00143770	\$ -
4b Industrial - Large - vacant bldg, excess land	IT \$ -	2.1012	10,694,969	10,694,969	0.00205386	\$ 10,454.16
	IU \$ -	3.3352	-	-	0.00326007	\$ -
	LT \$ -	2.1679	-	-	0.00211904	\$ -
	LU \$ -	3.9109	-	-	0.00382285	\$ -
Total	\$ 78,388,900	2.5421	\$ 164,708,612	\$ 164,708,612	0.00248485	\$ 161,000.00
Approved 2003 Budget \$ 161,000 divided by assessment vacancy adjusted \$ 164,708,612 equals tax rate 0.00097748 at ratio 1.00.						
Use Rateable Assessment						

* Ramada and Howard Johnson's 2/3 assessment reduction as per By-law 92-119

	Gross Assessment	Adjustment	Rateable Assessment	Gross Tax	Adj Tax	Net Tax
Residual Commercial Ramada	6,631,000	4,420,667	2,210,333	\$ 13,619.16	\$ 9,079.44	4,539.72012189
130 King E	564,000	376,000	188,000	\$ 1,158.38	772.25	386.12609693
020 152 00010		-	-	\$ -	-	-
		-	-	\$ -	-	-
	7,195,000	4,796,667	2,398,333	\$ 14,777.54	\$ 9,851.69	4,925.84621882
Howard Johnson's	3,401,000	2,267,333	1,133,667	\$ 6,985.19	\$ 4,656.79	2,328.39513415
112 King E	204,000	136,000	68,000	\$ 418.99	279.33	139.66263080
ct 02015150430	3,605,000	2,403,333	1,201,667	\$ 7,404.17	\$ 4,936.12	2,468.05776496
gt 02015150460						

2003 TAX RATES AND LEVY - BUSINESS IMPROVEMENT AREAS

Table 7 - King Street West

Property Class	Current Value Assessment	Ratio	Weighted Assessment	Assessment Vacancy Adjusted	BIA Tax Rate	BIA Levy
3a Commercial - Residual	\$ 4,183,000	2.1012	8,789,205	8,789,205	0.00071719	\$ 3,000.00
- vacant bldg, excess land	-	1.4708	-	-	0.00050203	-
3c Commercial - Shopping	-	2.1012	-	-	0.00071719	-
- vacant bldg, excess land	-	1.4708	-	-	0.00050203	-
3b Commercial - Parking Lot & Vacant Land	-	2.1012	-	-	0.00071719	-
4a Industrial - Residual	-	3.3352	-	-	0.00113838	-
- vacant bldg, excess land,	-	2.1679	-	-	0.00073995	-
4b Industrial - Large	-	3.9109	-	-	0.00133490	-
- vacant bldg, excess land	-	2.5421	-	-	0.00086769	-
Total	\$ 4,183,000		\$ 8,789,205	\$ 8,789,205		\$ 3,000.00

Approved 2003 Budget \$ 3,000 divided by assessment vacancy adjusted \$ 8,789,205 equals tax rate 0.00034133 at ratio 1.00.

Table 8 - Main Street West

Property Class	Current Value Assessment	Ratio	Weighted Assessment	Assessment Vacancy Adjusted	BIA Tax Rate	BIA Levy
3a Commercial - Residual	\$ 7,921,500	2.1012	16,644,439	16,644,439	0.00041659	\$ 3,300.00
- vacant bldg, excess land	-	1.4708	-	-	0.00029161	-
3c Commercial - Shopping	-	2.1012	-	-	0.00041659	-
- vacant bldg, excess land	-	1.4708	-	-	0.00029161	-
3b Commercial - Parking Lot & Vacant Land	-	2.1012	-	-	0.00041659	-
4a Industrial - Residual	-	3.3352	-	-	0.00066124	-
- vacant bldg, excess land,	-	2.1679	-	-	0.00042981	-
4b Industrial - Large	-	3.9109	-	-	0.00077539	-
- vacant bldg, excess land	-	2.5421	-	-	0.00050401	-
Total	\$ 7,921,500		\$ 16,644,439	\$ 16,644,439		\$ 3,300.00

Approved 2002 Budget \$ 3,300 divided by assessment vacancy adjusted \$ 16,644,439 equals tax rate 0.00019826 at ratio 1.00.

2003 not yet finalized

2003 TAX RATES AND LEVY - BUSINESS IMPROVEMENT AREAS

Property Class	Current Value Assessment	Ratio	Weighted Assessment	Assessment Vacancy Adjusted	BIA Tax Rate	BIA Levy
3a Commercial - Residual	\$ 30,935,035	2.1012	64,999,849	\$ 64,999,849	0.00063570	\$ 19,665.50
- vacant bldg, excess land	\$ 378,000	1.4708	555,970	\$ 555,970	0.00044499	\$ 168.21
3c Commercial - Shopping	\$ 15,207,500	2.1012	31,953,583	\$ 31,953,583	0.00063570	\$ 9,667.45
- vacant bldg, excess land	\$ 172,000	1.4708	252,981	\$ 252,981	0.00044499	\$ 76.54
3b Commercial - Parking Lot & Vacant Land	\$ 1,206,400	2.1012	2,534,855	\$ 2,534,855	0.00063570	\$ 766.91
4a Industrial - Residual	\$ 154,000	3.3352	513,615	\$ 513,615	0.00100904	\$ 155.39
- vacant bldg, excess land,	-	2.1679	-	-	0.00065588	-
4b Industrial - Large	-	3.9109	-	-	0.00118323	-
- vacant bldg, excess land	-	2.5421	-	-	0.00076910	-
Total	\$ 48,052,935		\$ 100,810,854	\$ 100,810,854		\$ 30,500.00
Approved 2003 Budget	\$ 30,500	divided by assessment vacancy adjusted	\$ 100,810,854	equals tax rate	0.00030255	at ratio 1.00.

Table 10 - Stoney Creek

Table 10 - Stony Creek		Property Class	Current Value Assessment	Ratio	Weighted Assessment	Assessment Vacancy Adjusted	B/A Tax Rate	BIA Levy
3a	Commercial - Residual	CT	\$ 5,420,500	2.1012	11,389,406	\$ 11,389,406	0.00137002	\$ 7,426.20
	- vacant bldg, excess land	CU	\$ -	1.4708	-	-	0.00095901	\$ -
3c	Commercial - Shopping	ST	\$ -	2.1012	-	-	0.00137002	\$ -
	- vacant bldg, excess land	SU	\$ -	1.4708	-	-	0.00095901	\$ -
3b	Commercial - Parking Lot & Vacant Land	GT & CX	\$ 140,000	2.1012	294,164	294,164	0.00137002	\$ 191.80
4a	Industrial - Residual	IT	\$ -	3.3352	-	-	0.00217462	\$ -
	- vacant bldg, excess land,	IU	\$ -	2.1679	-	-	0.00141350	\$ -
4b	Industrial - Large	LT	\$ -	3.9109	-	-	0.00255001	\$ -
	- vacant bldg, excess land	LU	\$ -	2.5421	-	-	0.00165751	\$ -
Total			\$ 5,560,500		\$ 11,683,570	\$ 11,683,570		\$ 7,618.00
Approved 2003 Budget			\$ 7,618	divided by assessment vacancy adjusted		\$ 11,683,570	equals tax rate at ratio 1.00.	
						0.00065203		

2003 TAX RATES AND LEVY - BUSINESS IMPROVEMENT AREAS

Table 11 - Dundas

	Property Class	Current Value Assessment	Ratio	Weighted Assessment		Assessment Vacancy Adjusted	BIA Tax Rate	BIA Levy
3a	Commercial - Residual	\$ 14,457,600	2.1012	30,377,914		\$ 30,377,914	0.00686974	\$ 99,319.90
	- vacant bldg, excess land		1.4708	-		\$ -	0.00480882	\$ -
3c	Commercial - Shopping	\$ -	2.1012	-		\$ -	0.00686974	\$ -
	- vacant bldg, excess land	-	1.4708	-		\$ -	0.00480882	\$ -
3b	Commercial - Parking Lot & Vacant Land	\$ 99,000	2.1012	208,016		\$ 208,016	0.00686974	\$ 680.10
4a	Industrial - Residual	\$ -	3.3352	-		\$ -	0.01090424	\$ -
	- vacant bldg, excess land,	-	2.1679	-		\$ -	0.00708776	\$ -
4b	Industrial - Large	\$ -	3.9109	-		\$ -	0.01278662	\$ -
	- vacant bldg, excess land	-	2.5421	-		\$ -	0.00831130	\$ -
Total		\$ 14,556,600		\$ 30,585,930		\$ 30,585,930		\$ 100,000.00
Approved 2003 Budget		\$ 100,000	divided by assessment vacancy adjusted		\$ 30,585,930	equals tax rate		0.00326948
						at ratio 1.00.		

THE CITY OF HAMILTON

BY-LAW NO. 03-109

***BEING A BY-LAW TO PHASE IN TAX INCREASES AND DECREASES FOR THE
RESIDENTIAL PROPERTY CLASS, FARM PROPERTY CLASS AND
THE MANAGED FOREST PROPERTY CLASS***

WHEREAS pursuant to Subsection 318 of the Municipal Act, S.O. 2001, c. 25 (herein referred to as the "Municipal Act"), the Council of the City of Hamilton may pass a by-law to phase in a tax increase or decrease, as determined in accordance with Section 318 of the Act;

AND WHEREAS pursuant to Section 318(9) ¶6 of the Municipal Act, 2001 the by-law may treat different property classes differently and it may provide for no phase-ins for some classes;

AND WHEREAS this by-law replaces by-law 01-159 made under section 372.2 of the former Municipal Act, R.S.O. 1990, c M.45;

AND WHEREAS Council deems it desirable to limit tax increases on properties most adversely affected by the general reassessment and budget within the residential, farm and managed forest property classes.

NOW THEREFORE the Council of the City of Hamilton hereby enacts as follows:

Definitions

1. In this by-law:
2. **"2003 Tax Increase"** means the property tax increases occurring in 2003 determined in accordance with Section 318 of the Municipal Act, 2001;
3. **"2003 Tax Decrease"** means the property tax decreases occurring in 2003 determined in accordance with Section 318 of Municipal Act, 2001;
4. **"2002 Adjusted Taxes"** means the property taxes levied for 2002 as adjusted in accordance with Section 318(6) of the Municipal Act, 2001 plus any deferred tax increase or deferred tax decrease applicable to 2002 pursuant to By-law 01-159;
5. **"Eligible Property"** means all properties within the residential, farm and managed forest property classes located within the City of Hamilton.
6. **"Deferred Tax Increase"** is the "2003 Tax Increase" less any phase-in increase applied to taxes per paragraph 10 of this by-law.

7. **"Deferred Tax Decrease"** means the "2003 Tax Decrease" less any phase-in decrease applied to taxes per paragraph 13 of this by-law.

Implementation

8. This by-law shall apply only to separately assessed parcels of "Eligible Property" listed on the assessment roll for 2003 taxation as returned to the City of Hamilton on or about December 15, 2002.

Phasing-In of Tax Increases

9. A 2003 Tax Increase for all real property in the City of Hamilton which is in the residential property class, the farm property class and the managed forest property class shall be phased-in in accordance with paragraph 10 and 11 of this by-law, commencing in taxation year 2003 and ending no later than 2005.
10. The taxes payable in each year on any real property in the residential, farm and managed forest property classes for which a "2003 Tax Increase" occurs shall be calculated as follows:
 - (1) in 2003, where the 2003 Tax Increase is greater than \$200, taxes payable will be equal to the 2002 Adjusted Taxes plus the greater of \$200 or 75% of the 2003 Tax Increase. Otherwise, such taxes will be equal to the 2002 Adjusted Taxes plus the 2003 Tax Increase.
 - (2) in 2004, where the Deferred Tax Increase is more than \$200, taxes payable will be equal to the previous years' taxes plus the greater of \$200 or 15% of the 2003 Tax Increase. Otherwise, such taxes will be equal to the previous years' taxes plus the Deferred Tax Increase.
 - (3) in 2005 taxes payable will be equal to the previous years' taxes plus the Deferred Tax Increase.
11. For taxation years subsequent to 2003, taxes calculated in paragraph 10 will be subject to in-year budgetary adjustments as approved by the Council of the City of Hamilton.

Phasing-In of Tax Decreases

12. A 2003 Tax Decrease for all real property in the City of Hamilton which is in the residential property class, the farm property class and the managed forest property class shall be phased-in in accordance with paragraph 13 and 14 of this by-law, commencing in taxation year 2003 and ending no later than 2005.

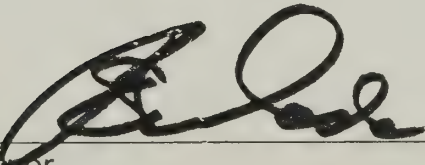
13. The taxes payable in each year on any real property in the residential, farm and managed forest property classes for which a 2003 Tax Decrease occurs shall be calculated as follows:
 - (1) in 2003, where the 2003 Tax Decrease is more than \$50, taxes payable will be equal to the 2002 Adjusted Taxes less the greater of \$50 or 35% of the 2003 Tax Decrease. Otherwise, such taxes will be equal to the 2002 Adjusted Taxes less the 2003 Tax Decrease.
 - (2) in 2004, where the Deferred Tax Decrease is more than \$50, taxes payable will be equal to the previous years' taxes less the greater of \$50 or 35% of the 2003 Tax Decrease. Otherwise, such taxes will be equal to the previous years' taxes less the Deferred Tax Decrease.
 - (3) in 2005 taxes payable will be equal to the previous years' taxes less the Deferred Tax Decrease.
14. For taxation years subsequent to 2003, taxes calculated in section 13 will be subject to in-year budgetary adjustments as approved by the Council of the City of Hamilton.

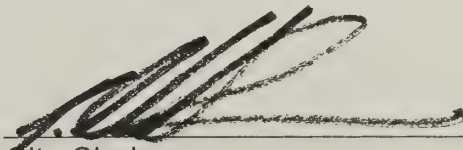
General

15. Despite paragraphs 10 or 13 hereof, if there has been a change in use or character of any real property to which this by-law applies or in its classification under the Assessment Act that makes a phase-in or the continuation of a phase-in in respect to such property inappropriate, such property shall be excluded from this By-law.
16. Despite paragraph 10 or 13 hereof, if a new improvement or demolition to any real property to which this by-law applies is reflected in the assessment used to determine the 2003 taxes but was not reflected in the assessment used to determine the 2002 taxes, such property shall be excluded from this By-law.
17. Despite paragraph 10 or 13 hereof, if an improvement or demolition to any real property to which this by-law applies was reflected in the assessment used to determine the 2002 taxes and because of a change related to the improvements, the improvement is not reflected in the assessment used to determine the 2003 taxes, such property shall be excluded from this By-law.
18. Despite paragraph 10 or 13 hereof, in the event of a change in assessment that arises as a result of severing, subdividing or acquiring property, such property shall be excluded from this By-law.
19. Despite paragraph 10 or 13 hereof, no Deferred Tax Increase or Deferred Tax Decrease shall be for an amount less than \$10.

20. If any provision of this By-law is found by a court of competent jurisdiction to be invalid or unenforceable for any reason whatsoever, such invalidity or unenforceability will not affect the validity or enforceability of any or all of the remaining provisions of this By-law which will continue in full force and effect and be construed as if this Agreement had been executed without the invalid or unenforceable provision.
21. This By-law shall be reviewed by Council for the 2004 taxation year.
22. This By-law shall come into force and take effect as at January 1, 2003.

PASSED and ENACTED this 14th day of May, 2003.



Mayor

City Clerk

CITY OF HAMILTON

BY-LAW NO. 03-110

**BEING A BY-LAW TO REVISE THE BY-LAWS OF THE CITY GOVERNING THE
PROVISION OF TAX ASSISTANCE TO ELDERLY RESIDENTS**

WHEREAS *Section 365, Municipal Act, 2001* authorizes the Council of a municipality, to pass a by-law to cancel, refund or reduce taxes levied for municipal and school purposes for any person whose taxes are considered unduly burdensome by Council;

AND WHEREAS the former municipalities of Dundas, Hamilton and Stoney Creek previously provided tax assistance to their elderly residents under the authority of the Municipal Elderly Resident's Assistance Act, 1973;

AND WHEREAS Council deems it desirable to provide uniform tax assistance to qualifying elderly residents throughout the City.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Interpretation

1.1 In this By-law,

- (a) "City Taxation Year" means each calendar year during which real property tax is levied within the City;
- (b) "Taxable Income" means with respect to a person the aggregate income from all sources of that person as determined by Revenue Canada in its

notices of assessment under the *Income Tax Act (Canada)* with respect to that person for the taxation year immediately preceding the City Taxation Year in which a credit is claimed under this By-law;

- (c) "Owner" means a person assessed as the owner of a Personal Residence;
- (d) "Personal Residence" means the principal personal residence within the City that is ordinarily occupied by a person;
- (e) "Spouse" means,
 - (i) the wife or husband of an Owner of a Personal Residence; or
 - (ii) any other person who is living live together in a conjugal relationship with the Owner of a Personal Residence;
- (f) "Treasurer" means the City's General Manager, Finance & Corporate Services

1.1 In this By-law,

- (a) a word importing the masculine, feminine or neuter gender only includes members of the other genders;
- (b) a word defined in or importing the singular number has the same meaning when used in the plural number, and vice versa;
- (c) a reference to any Act, bylaw, rule or regulation or to a provision thereof shall be deemed to include a reference to any Act, bylaw, rule or regulation or provision enacted in substitution therefore or amendment thereof;
- (d) the headings to each section are inserted for convenience of reference only and do not form part of the By-law;

- (d) the assessed value of the Personal Residence is no more than the average assessed value for residences within the City.

3. Transitional Credit

- 3.1 Subject to section 3.3, an Owner who does not qualify for a credit under section 2, but who received a credit under By-law 76-55 of the former City of Hamilton in the 2001 City Taxation Year, shall be entitled upon application by that Owner to a credit of \$50 against any real property tax payable with respect to his or her Personal Residence in the 2002 City Taxation Year.
- 3.2 Subject to section 3.3, an Owner who does not qualify for a credit under section 2, but who qualified for a credit under section 3.1 in the 2002 City Taxation Year, shall be entitled upon application by the Owner to a credit of \$25 against any real property tax payable with respect to his or her Personal Residence in the 2003 City Taxation Year,
- 3.3 Sections 3.1 and 3.2 apply only if the Owner would have qualified to receive a credit in the 2002 or 2003 City Taxation Year, had By-law 76-55 of the former City of Hamilton not be repealed.

4. Form and Timing of Application

- 4.1 An application for a credit under this By-law shall be made to the Treasurer, and shall be in such form and provide such information as the Treasurer may prescribe from time to time.
- 4.2 An application for a credit under this By-law may be made,

- (a) at any time during the City Taxation Year to which it relates, and
- (b) until the last day of February in the following City Taxation Year.

5. Limitation on Eligibility

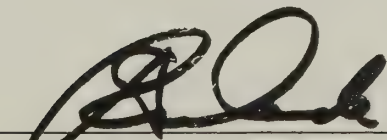
No more than one Personal Residence belonging to the same Owner shall be eligible for a credit under this By-law in any City Taxation Year.

6. Repeals

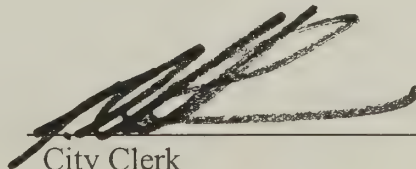
The following by-laws are repealed:

- (a) By-law 2375-74 of the former Town of Dundas;
- (b) By-law 324-76 of the former City of Stoney Creek;
- (c) By-law 76-55 of the former City of Hamilton, and
- (d) all amendments to each of those by-laws.

PASSED and ENACTED this 14TH day of May, 2003.



Mayor



City Clerk

Authority: Item 4, Committee of the Whole
Report 03-013 (PW03043)
CM: May 14, 2003

Bill No. 111

**CITY OF HAMILTON
BY-LAW NO. 03-111
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Signs) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "B" thereof the following items, namely:

"East Street North Northbound and Southbound King Street East"
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 14th day of May, 2003



MAYOR



CLERK

Authority: Item 5, Committee of the Whole
Report 03-013 (PW03042)
CM: May 14, 2003

Bill No. 112

**CITY OF HAMILTON
BY-LAW NO. 03- 112
To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 8 (No Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "G(I)" thereof the following item, namely:

"Gage	Both	Industrial to Barton	Anytime"
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and by deleting from Section "G(I)" thereof the following items, namely:

"Gage	East	Industrial Dr. to 188 ft. south of Barton	Anytime
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Gage	East	302 ft. north of Cannon to Cannon	Anytime
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Gage	West	Industrial Dr. to 370 ft. south of Maplewood	Anytime"
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2. Schedule 13 (No Stopping Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "G" thereof the following items, namely:

"Gage	East	Main to Cannon	7:00 a.m. to 9:00 a.m. Monday to Friday
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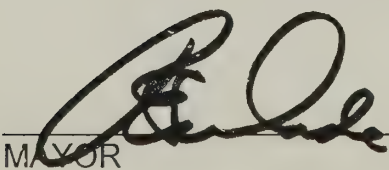
Gage	East	Barton to Burlington	7:00 a.m. to 9:00 a.m. Monday to Friday
Gage	West	Burlington to Barton	4:00 p.m. to 6:00 p.m. Monday to Friday
Gage	West	from 106.1m south of Beechwood to 95.4m southerly	4:00 p.m. to 6:00 p.m. Monday to Friday
Gage	West	Cannon to Main	4:00 p.m. to 6:00 p.m." Monday to Friday

and by deleting from Section "G" thereof the following items, namely:

"Gage	East	Main to Burlington	Mon. – Fri. 7:00 am – 9:00 am
Gage	West	Burlington to Main	Mon. – Fri." 4:00 pm – 6:00 pm

3. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
4. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 14th day of May, 2003



MAYOR



CLERK

Bill No. 113

CITY OF HAMILTON

BY-LAW NO. 03-113

**To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215;

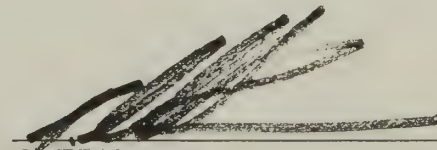
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 8 (No Right Turns) of By-law No. 01-215, as amended, is hereby further amended by deleting from Section "E" thereof the following item, namely:

"Delawana Eastbound Delawana Dr. Driveway Anytime"
Eastgate Square
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 14th day of May, 2003



MAYOR

CLERK

Bill No. 114

CITY OF HAMILTON

**BY-LAW NO. 03-114
TO AMEND BY-LAW 02-343,
BEING A BY-LAW TO ALTER GUISE STREET BETWEEN
BAY STREET / LEANDER DRIVE AND CATHARINE STREET**

WHEREAS the Council of the City of Hamilton was empowered under the Municipal Act, R.S.O. 1990, c. M.45, as amended, and continues to be empowered under the Municipal Act, 2001, as amended, to alter any highway or part of a highway under its jurisdiction;

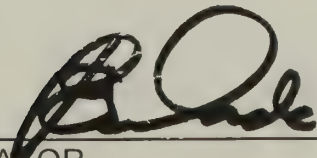
AND WHEREAS at its meeting of November 27, 2002, the Council of the City of Hamilton did pass By-law 02-343, being a by-law to alter Guise Street between Bay Street/Leander Drive and Catharine Street, in accordance with the requirements of the Municipal Act, R.S.O. 1990, c.M.45, as amended;

AND WHEREAS it is necessary to amend By-law 02-343 to correct a typographical error in the description of the intersection of Guise Street with Dock Service Road to reflect a 3-legged intersection instead of a 4-legged intersection;

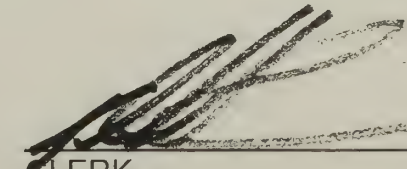
NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule "A" to By-law 02-343 be amended by deleting the second bullet and substituting the following therefor:
 - Realignment of the intersection at Catharine Street to form a new 3-legged intersection with Dock Service Road"
2. That this By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 14th day of May, 2003.



MAYOR



CLERK

Authority: Item 27, Committee of the Whole
Report 03-013 (PW03039)
CM: May 14, 2003

Bill No. 115

**CITY OF HAMILTON
BY-LAW NO. 03-115
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic**

WHEREAS Section 210(123) of the Municipal Act, R.S.C. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

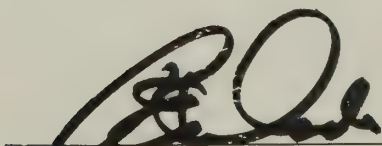
AND WHEREAS it is necessary to amend By-law No. 01-215;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 2 (Speed Limits) of By-law No. 01-215, as amended, is hereby further amended by deleting from Subsection "1" of Section "G" thereof the following item, namely:

"Upper Gage Anna Capri Rymal Road 60"
2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 14th day of May, 2003



MAYOR



CLERK

Authority: Item 3, Hearings Sub-Committee
Report: 03-016 (PD03100)
CM: May 14, 2003

Bill No 116

CITY OF HAMILTON

BY-LAW NO. 03-116

To Adopt:

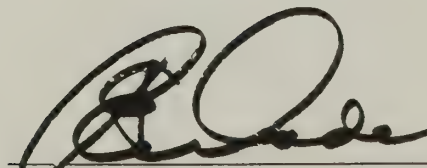
Official Plan Amendment No. 184 to the Former City of Hamilton Official Plan;

Respecting:

**Lands bounded by Hunter Street, Catharine Street, Jackson Street, and
Walnut Street**

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 184 to the Official Plan of the former City of Hamilton Planning Area consisting of Schedule 1, hereto annexed and forming part of this by-law, is hereby adopted.
2. It is hereby authorized and directed that such approval of the Official Plan Amendment referred to in section 1 above, as may be requisite, be obtained and for the doing of all things for the purpose thereof.



MAYOR

CLERK

Amendment No. 184
to the
Official Plan of the Former City of Hamilton

The following mapping, Schedule “L-1” – Land Use and Development Permit Area, Schedule “L-3” - Building Height, and Schedule “L-8” – Overall Land Use Strategy of the Downtown Hamilton Secondary Plan, attached hereto, constitutes Official Plan Amendment No. 184.

Purpose:

The purpose of this Amendment is to revise the Downtown Hamilton Secondary Plan by redesignating the subject lands, the area bounded by Hunter Street, Catharine Street, Jackson Street and Walnut Street, from “Low Density Residential” and “Medium Density Residential” to “Mixed Use”, and to redesignate the south easterly portion of this area from “4 Stories” to “6 Stories”.

Location:

The lands affected by this Amendment are bounded by Hunter Street to the south, Catharine Street to the west, Jackson Street to the north and Walnut Street to the east.

Basis:

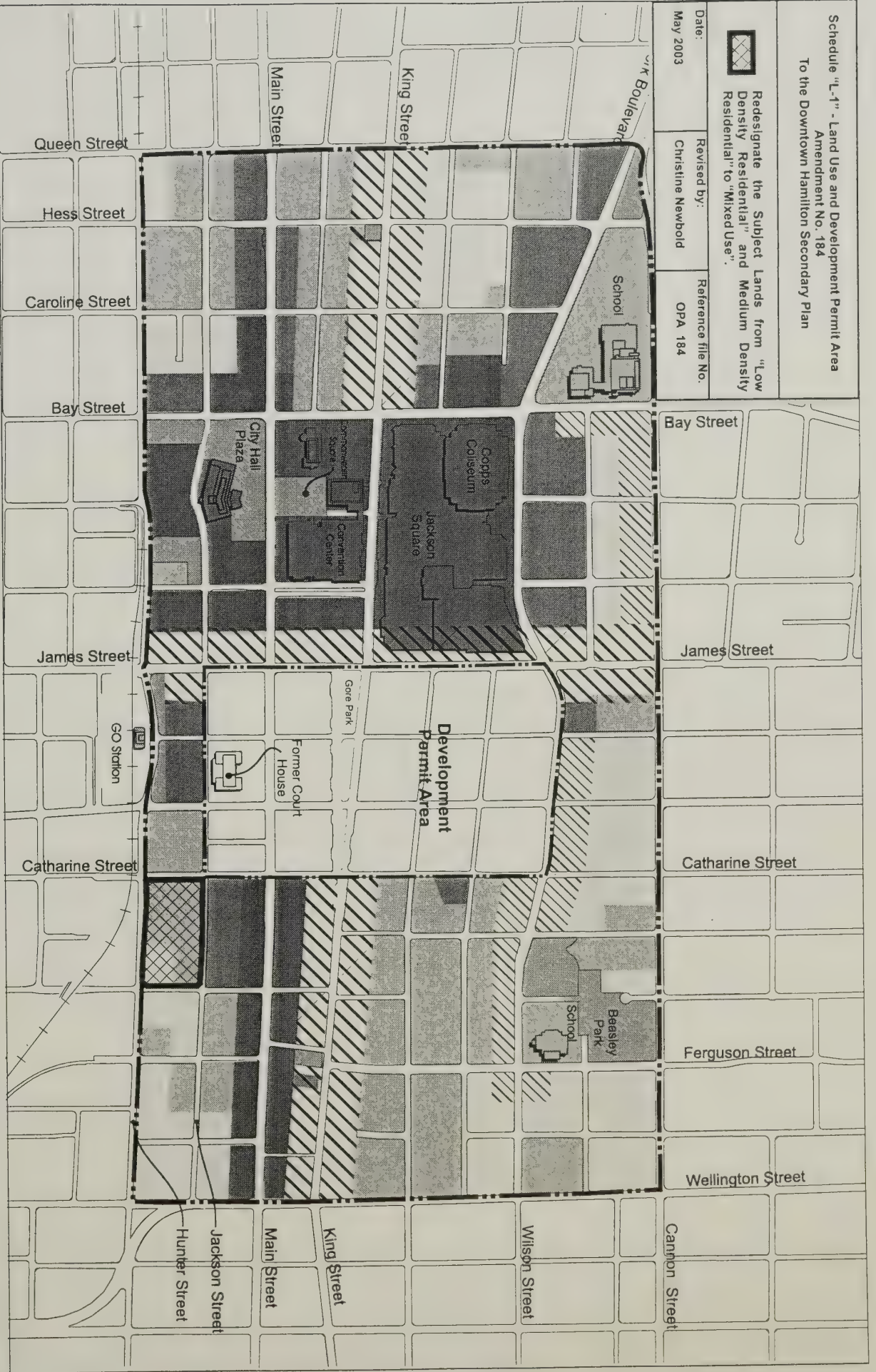
The basis for permitting the proposed redesignations in the Downtown Hamilton Secondary Plan, is as follows:

- An amendment to a Mixed Use designation would permit a wider, more amenable range of land uses that suit the character of the area;
- The proposed land use redesignations would serve to address the opportunity to provide a buffer between more intensive commercial uses within the core and areas surrounding the core which are more residential in character;
- The Mixed Use designation does not preclude residential development; however it does prescribe design and policy provisions which promote a greater integration of commercial and residential land uses; and,
- The redesignations maintain the general intent of the Corktown Neighbourhood Plan as it will allow Mixed Use development to occur while encouraging residential uses within existing and proposed buildings.

Schedule "L-1" - Land Use and Development Permit Area
Amendment No. 184
To the Downtown Hamilton Secondary Plan

 Redesignate the Subject Lands from "Low Density Residential" and Medium Density Residential" to "Mixed Use".

Date: May 2003
Revised by: Christine Newbold
Reference file No. OPA 184



SCHEDULE L-1 - LAND USE AND DEVELOPMENT PERMIT AREA

Legend

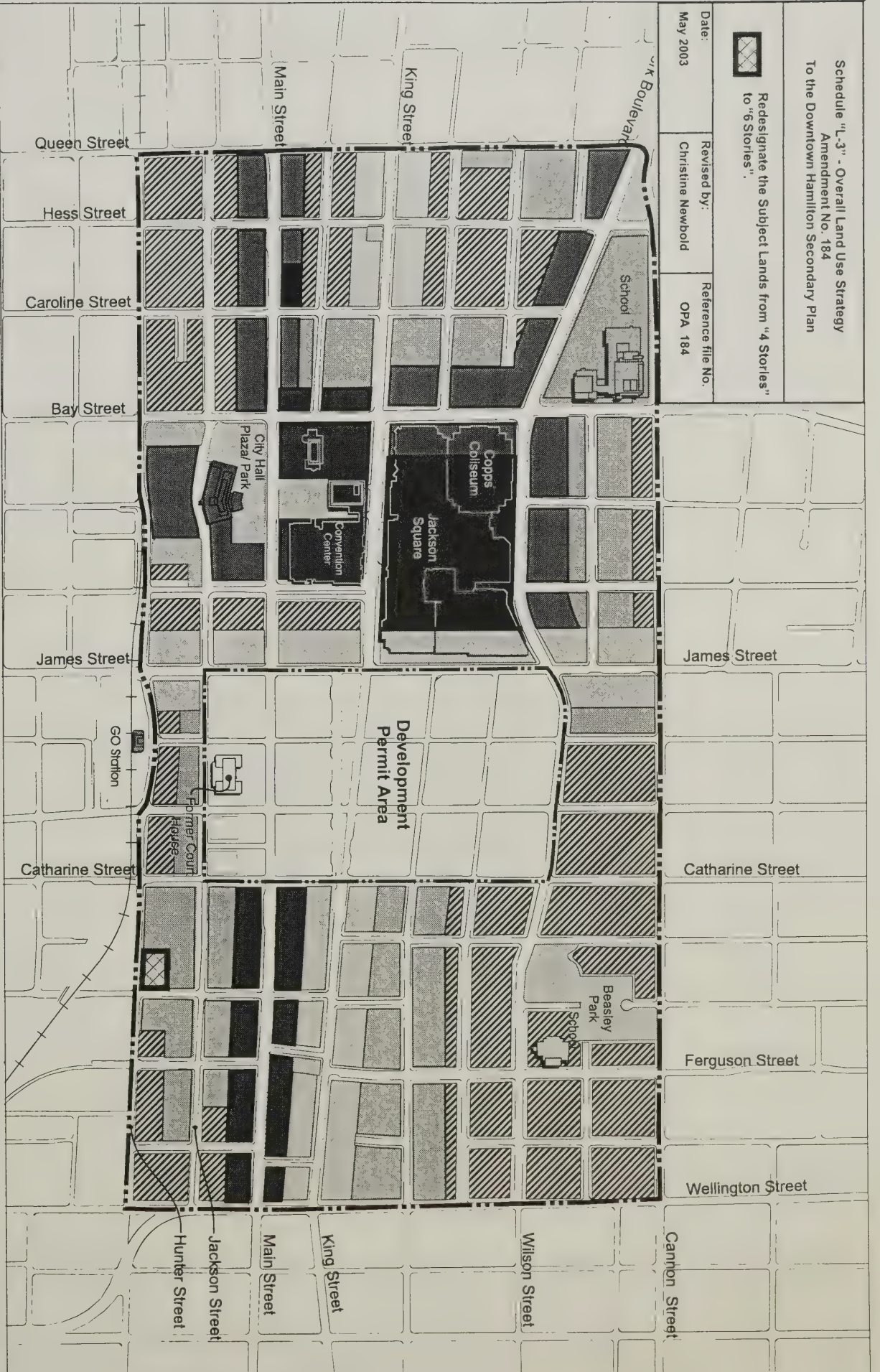
-  Public Open Space
-  Central Business District
-  Specialty Commercial
-  Mixed Use
-  Low Density Residential
-  Station
-  Planning Area Boundary
-  DPA Boundary
-  Public Use
-  Prime Retail Streets
-  Local Commercial
-  Medium Density Residential

Putting People First
The New Land Use Plan
for Downtown Hamilton
May, 2003

Schedule "L-3" - Overall Land Use Strategy
Amendment No. 184
To the Downtown Hamilton Secondary Plan

 Redesignate the Subject Lands from "4 Stories" to "6 Stories".

Date: May 2003	Revised by: Christine Newbold	Reference file No.: OPA 184
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SCHEDULE L-3
BUILDING HEIGHT

Legend

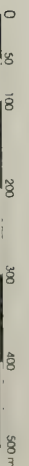
- | | | | | |
|---|--|--|--|---|
|  15 Stories |  8 Stories |  3-6 Stories |  Parks/ Open Space |  Planning Area Boundary |
|  12 Stories |  6 Stories |  4 Stories |  Station |  DPA Boundary |

Note: Height is subject to the policies of this plan.

Putting People First
The New Land Use Plan
for Downtown Hamilton

May, 2003

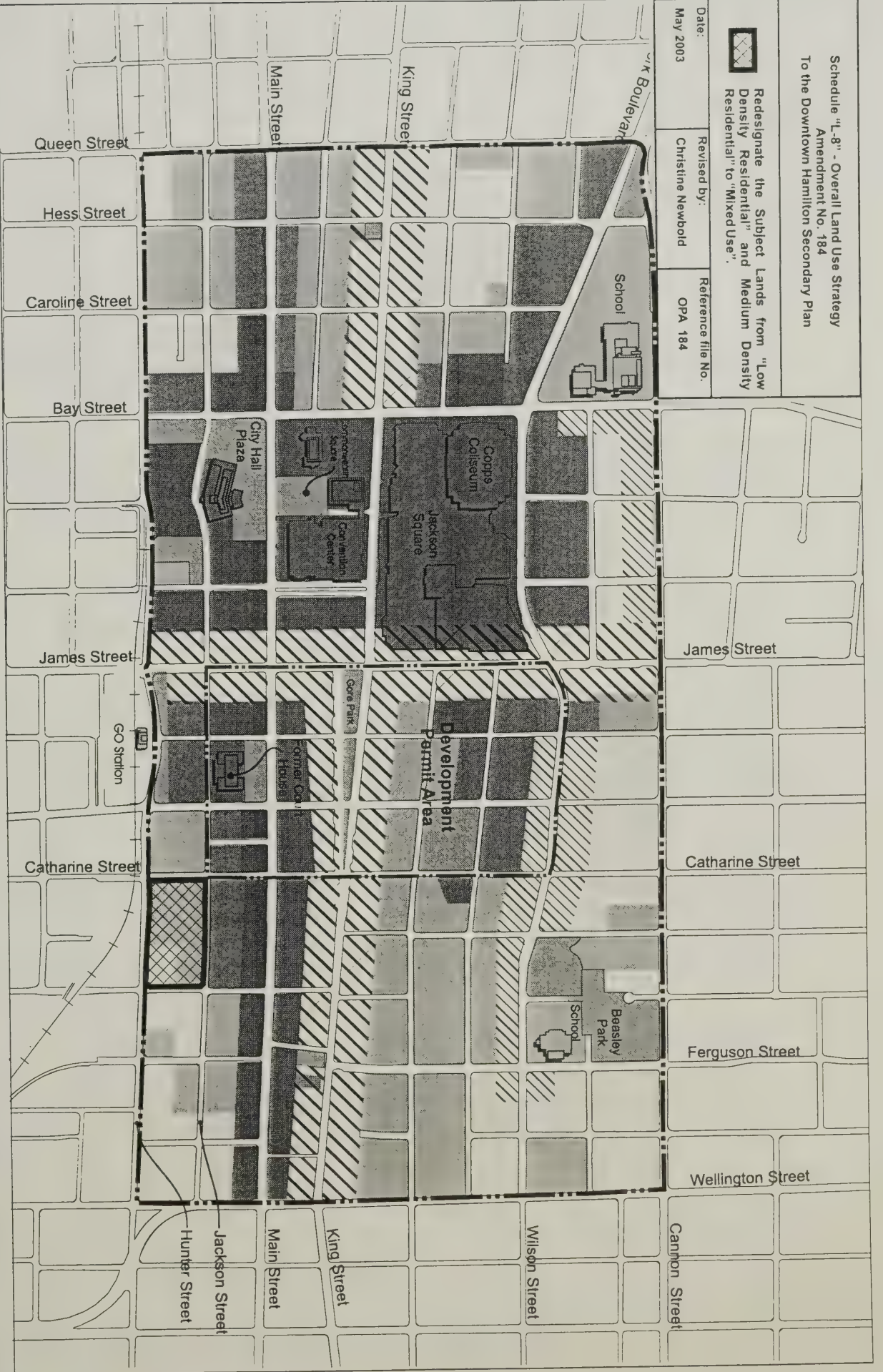
OPA No. 172, as per Board Order
dated July 19, 2002



Schedule "L-8" - Overall Land Use Strategy
Amendment No. 184
To the Downtown Hamilton Secondary Plan

 Redesignate the Subject Lands from "Low Density Residential" and Medium Density Residential to "Mixed Use".

Date: May 2003
Revised By: Christine Newbold
Reference file No. OPA 184



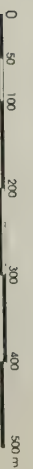
SCHEDULE L-8
OVERALL LAND USE STRATEGY

- Legend**
-  Public Open Space
 -  Central Business District
 -  Specialty Commercial
 -  Mixed Use
 -  Low Density Residential
 -  Planning Area Boundary
 -  Public Use
 -  Prime Retail Streets
 -  Local Commercial
 -  Medium Density Residential
 -  Station
 -  DPA Boundary

Putting People First

The New Land Use Plan
for Downtown Hamilton

May, 2003



OPA No. 172, as per Board Order
dated July 19, 2002

THE CITY OF HAMILTON**BY-LAW NO. 03-117****PROPERTY STANDARDS BY-LAW**

Being a by-law to prescribe standards for the maintenance and occupancy of property, to provide for the enforcement of the standards and to appoint a property standards committee.

WHEREAS Council of the City of Hamilton deems it desirable to establish standards for the occupancy and maintenance of certain buildings and properties, so that owners and occupiers provide minimum standards for persons who may live at, attend or otherwise be affected by the condition of buildings and properties;

AND WHEREAS the City of Hamilton Act 1999, Statutes of Ontario, 1999 Chapter 14, Schedule C, did incorporate as of January 1, 2001, the municipality the "City of Hamilton";

AND WHEREAS the City of Hamilton is successor to the former area municipalities of: The Corporation of the Town of Ancaster, The Corporation of the Town of Dundas, The Corporation of the Town of Flamborough, The Corporation of the Township of Glanbrook, The Corporation of the City of Hamilton, and the Corporation of the City of Stoney Creek, which may be referred to in this by-law collectively as the "former area municipalities";

AND WHEREAS the City of Hamilton Act 1999 provides that the by-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton, and each of the former area municipalities have official plan policies respecting property conditions and standards, and by-laws establishing property standards;

AND WHEREAS it is intended to repeal and replace the property standards provided in each of the former area municipalities, and enact new minimum standards applicable across the entire City of Hamilton area while providing for the continuation of unsatisfied orders previously issued by the former area municipalities;

AND WHEREAS Section 15.1(3) of the Building Code Act, S.O. 1992, c.23 contains the jurisdiction for Municipalities to pass By-laws prescribing standards for the maintenance and occupancy of property;

AND WHEREAS Section 15.6(1) of the Building Code Act, S.O. 1992, c.23 provides for the establishment of a Property Standards Committee;

AND WHEREAS fees and charges may be imposed under the authority of the Municipal Act, S.O. 2001, c. 25, as amended, section 391, and the Building Code Act, S.O. 1992, c. 23, as amended, in particular section 15.5;

AND WHEREAS it is deemed necessary and expedient to enact a By-law prescribing minimum standards for the maintenance and occupancy of property, to adopt a set of administration procedures and to appoint a Property Standards Committee;

AND WHEREAS Council considers that reasonable notice of the by-law has been given, including notice of and the holding of a meeting on November 21, 2002 for public comment and consultation, pursuant to section 251 of the Municipal Act, S.O. 2001, c. 25, as amended;

NOW THEREFORE, the Council of the City of Hamilton enacts as follows:

SHORT TITLE

1. This by-law may be cited as the "Property Standards By-law".

DEFINITIONS

- 2(1) In this by-law:

- (a) "basement" shall mean that portion of a building between two floor levels, which is partly underground and which has at least one-half its height from finished floor to the underside of the first floor joists above the average finished grade level adjacent to the exterior walls of the building;
- (b) "building" means any structure used or intended to be used for supporting or sheltering any use or occupancy;
- (c) "Building Code" means the Building Code Act and any regulations made under that Act;
- (d) "cellar" shall mean that portion of a building between two floor levels, which is partly under ground and which has more than one-half its height from finished floor to the underside of the first floor joists below the average finished grade level adjacent to the exterior walls of the building;
- (e) "City" means the municipality the "City of Hamilton.", or the geographic boundaries of that municipality, as the context requires;

- (f) "committee" means The Property Standards Committee established under this By-law;
- (g) "debris" includes but is not limited to garbage, rubbish, refuse, or wrecked, decayed, dilapidated, or inoperative vehicles or machinery, and parts thereof;
- (h) "dwelling" means a building, structure, mobile home or recreational vehicle with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes such a building, home or vehicle that would be or would be intended to be used for such purposes, except for its state of disrepair;
- (i) "dwelling unit" means a room or a suite of rooms operated as a housekeeping unit, used or intended to be used as a domicile by one or more persons and supporting general living conditions and includes cooking, eating, sleeping, and sanitary facilities;
- (j) "farm" means an agricultural operation as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, and includes such an operation that is not carried on with the expectation of gain but otherwise meets the definition in that Act;
- (k) "guard" means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another. Such barrier may or may not have openings through it;
- (l) "habitable room" means any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping, or cooking, and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof;
- (m) "heating appliance" means a device to convert fuel into energy and includes all components, controls, wiring, and piping required to be part of the device by the applicable standard referred to in the Building Code;
- (n) "inoperative vehicles or machinery" means such items that are unable to operated as a result of being dismantled, broken or incomplete, decayed or dilapidated, and in

particular includes vehicles with missing wheels, tires, body components, or windows;

- (o) 'multiple dwelling' means a building containing three or more dwelling units;
- (p) "non-habitable room" means any room or space in a dwelling, or dwelling unit, other than a habitable room and includes a washroom, bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, boiler room, garage, or space for service and maintenance of any building for public use and for access to and vertical travel between stories;
- (q) "occupant" means any person or persons over the age of 18 years in possession of the property;
- (r) "occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property;
- (s) "officer" means a property standards officer who has been assigned or appointed by the City as a property standards officer to either administer or enforce this by-law and includes a building inspector for the City;

"owner" includes the owner in trust, a mortgagee in possession, the person for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account, or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property;

- (u) "property" means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, mobile buildings, mobile homes, outbuildings, fences, retaining walls, and erections thereon, whether heretofore or hereafter erected, and includes vacant property;
- (v) "protective device" means any mechanical device designed for the purpose of inhibiting movement by latching or automatic engagement or in any other reasonable manner;

- (w) "repair" includes the provision of such facilities, the making of additions or alterations or the taking of any other action that may be required to ensure that a property conforms with the standards established in this by-law;
- (x) "residential property" means any property that is used or is capable of being used as a dwelling, two-unit dwelling or multiple dwelling, and includes any land or buildings that are appurtenant to such establishment including but not limited to all steps, walks, driveways, parking spaces, fences and yards;
- (y) "retaining wall" means a structure that holds back soil or loose material to prevent it assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs;
- (z) "sanitary sewage" means liquid or water borne waste:
 - (i) of industrial or commercial origin, or
 - (ii) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste;
- (aa) "storm sewage" means water that is discharged from a surface as a result of rainfall, snowmelt, snowfall or other precipitation;
- (bb) "sewage system" means the City of Hamilton system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official within the City of Hamilton;
- (cc) "suite" means a single room or series of rooms of complementary use, operated under a single ownership or occupancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies;
- (dd) "visual barrier" shall mean a continuous, uninterrupted structure which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material; and

(ee) "yard" means the land within the boundary lines of the property and not occupied by the principal building.

- 2(2) Where this by-law provides both metric and imperial measurement for the same item, the imperial measurement is provided for convenience only and is approximate.

SCOPE

- 3(1) No owner or occupant of property shall use, occupy, or allow, permit or acquiesce in the use or occupation of the property unless such property conforms to the standards prescribed in this By-law.
- 3(2) No person, being the owner or occupant of a property, shall fail to maintain the property in conformity with the standards required in this by-law.
- 3(3) The owner of any property which does not conform to the standards in this by-law shall repair and maintain the property to conform to the standards or shall clear the property of all buildings, structures, debris or refuse and shall leave the property in a graded and leveled condition.
- 3(4) This by-law does not apply so as to prevent a farm meeting the definition of "agricultural operation" under the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, from carrying out a normal farm practice as provided for and defined under that Act.

GENERAL STANDARDS FOR ALL PROPERTIES

4. Except as may otherwise be specified in the sections, the standards, obligations and requirements in sections 5 through 22 both inclusive apply to all property.

STRUCTURAL STANDARDS

- 5(1) Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal or permitted use, and having a factor of safety as required by the Ontario Building Code.
- 5(2) All exterior surfaces of buildings, structures, fences and retaining walls, including mobile structures and buildings, shall be of materials which resist deterioration by the weather or have resistant coatings applied to them, except that a non-residential farm building or structure may have unprotected wood surfaces.
- 5(3) The exterior walls, chimneys, roofs and other parts of buildings, structures, fences and retaining walls, including mobile structures and buildings on the property shall be free from loose or insufficiently secured, rotten,

warped or broken materials and objects. Such materials and objects shall be removed, repaired or replaced.

VACANT BUILDINGS

- 6(1) Where any building is vacant or unoccupied, the owner shall protect such building against the risk of accident or intentional damage to the property, or such damage as may be caused to other properties, arising from the entry of unauthorized persons to the building, by effectively preventing entrance by unauthorized persons.
- 6(2) For the purpose of subsection (1) doors, windows, hatches and other openings through which entry may be obtained are required to be kept in good repair and secured from unauthorized entry, or entry shall be prevented by closing and securing the opening with:
- (a) boarding which completely covers the opening with at least 12.7mm (0.5 in.) weatherproofed sheet plywood securely fastened to the building;
 - (b) rigid composite panels, securely fastened to the building;
 - (c) Sheathing boards installed within the reveal of the exterior cladding and securely fastened to the building;
 - (d) Brick and mortar securely fastened to the building; or
 - (e) Concrete blocking and mortar securely fastened to the building.
- 6(3) The options available in 6(2) shall be considered progressively more secure with (e) being the most secure, and the minimum standard imposed by subsection 6(2) shall be considered not to include the use of a less secure option which has, more than once, failed to exclude unauthorized entry, and further where the owners control, attendance or lack of security measures to protect the property suggest a more secure option be used, then the owner shall supply such measure including such improved security of closures as may be necessary beyond the options listed in subsection 6(2).
- 6(4) Where a building remains vacant for a period of more than ninety (90) days, the owner shall ensure that all utilities serving the building, which are not required for the safety or security thereof, are properly disconnected or otherwise secured, to prevent accidental or malicious damage to the building or adjacent property.

DAMAGED BUILDINGS

- 6(5) Where a building is damaged by accident, storm, neglect or other causes or intentional damage, the owner shall protect the building against further risk of further damage, accident or other danger, and shall effectively prevent entrance thereto by all unauthorized persons, by closing and securing opening to the building with:
- (a) boarding which completely covers the opening with at least 12.7mm (0.5 in.) weatherproofed sheet plywood securely fastened to the building;
 - (b) rigid composite panels, securely fastened to the building;
 - (c) Sheathing boards installed within the reveal of the exterior cladding and securely fastened to the building;
 - (d) Brick and mortar securely fastened to the building; or
 - (e) Concrete blocking and mortar securely fastened to the building.
- 6(6) The options available in 6(5) shall be considered progressively more secure with (e) being the most secure, and the minimum standard imposed by subsection 6(5) shall be considered not to include the use of a less secure option which has more than once failed to exclude unauthorized entry, and further where the owners control, attendance or lack of security measures to protect the property suggest a more secure option be used, then the owner shall supply such measure including such improved security of closures as may be necessary beyond the options listed in subsection 6(5).
- 6(7) The exterior walls and other surfaces of the building shall have smoke damage or other defacement removed and the surfaces refinished.
- 6(8) Any such work required under this section and section 7, shall be done in compliance with the Building Code, other applicable codes and by-laws, including but not limiting the generality of the foregoing, in compliance with the requirement for obtaining building or demolition permits, and with the by-laws applicable to demolition and clearing of property.

FIRE DAMAGED BUILDINGS

- 7(1) Subject to subsection (3), fire damaged buildings shall be kept clear of all garbage, refuse and debris and shall have all water, electrical and gas services turned off except those services that are required for the security and maintenance of the property.

- 7(2) Subject to subsection (3), the owner of the fire-damaged building shall restore the building to meet the requirements of Sections 5,6,7, and 8 of the said by-law.
- 7(3) When the fire-damaged building or part is occupied again for other than the purpose of repair, the condition of the building and property shall be brought into compliance with all applicable sections of this by-law.

EXTERIOR WALLS AND ROOFS

- 8(1) Exterior walls and their components shall be maintained so as to prevent their deterioration and shall be so maintained, by the painting, restoring or repairing of the walls, coping or flashing or by the waterproofing of joints and of the walls themselves.
- 8(2) Exteriors of buildings shall be:
- (a) kept weather resistant through the use of caulking and other appropriate weather resistant materials, and
 - (b) be maintained to prevent the entry of vermin and birds.
- 8(3) A roof including the fascia board, soffit, cornice and flashing shall be maintained in a weather-tight condition, and able to prevent the leakage of water into the building.
- 8(4) All structural components of a roof shall provide adequate support for all design loads, and form a suitable base for the roof covering, and where the roof is subjected to a load for which it may not be adequate the roof shall be cleared of the load to prevent collapse or structural damage.
- 8(5) Exterior walls and their components shall be repaired of vandalism or other damage, including keeping them free of defacements by paint, inscription or other markings and the repair of broken windows.
- 8(6) Exterior walls of a building or structure, and their components shall be maintained so as to be free of posters:
- (a) which are for the giving of notice for an event that has already occurred, or where the message contained is not readable due to damage or deterioration to the poster or its content, or
 - (b) which are loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter.

- 8(7) Pursuant to the Municipal Act, S. O. 2001, c. 25 as amended, the cost of removal of posters by the City is collectable against the owner of the advertising device under the terms of the said Municipal Act notwithstanding the other content of this by-law.

DOORS AND WINDOWS

- 9(1) Windows, skylights, exterior doors and frames, basement or cellar hatchways and attic access doors shall be maintained in good repair and shall be of such construction so as to minimize drafts and heat losses through the infiltration of outside cold air.
- 9(2) Rotted or damaged doors, door frames, window frames, sashes and casings, weather-stripping, caulking, broken glass and missing or defective door and window hardware shall be repaired or replaced.

FOUNDATIONS AND BASEMENTS

- 10(1) The foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.
- 10(2) Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.
- 10(3) Every building, unless of concrete slab-on-grade design, shall be upon either full foundation walls or piers, and all footings, foundation walls, and piers shall be of concrete, masonry, or other material acceptable for construction under the provisions of the Building Code and shall be sound, reasonably plumb, and adequate to carry the loads imposed on them.

STAIRS, BALCONIES, PORCHES AND OTHER PLATFORMS

- 11(1) Interior and exterior stairs, landings, balconies, porches and any other means of access shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards. Treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- 11(2) Handrails shall be installed and maintained in good repair on all exterior stairs which have more than 3 risers and on all interior stairs within dwelling units which have more than 2 risers.
- 11(3) Handrails shall be located between 810mm (32 inches) and 920mm (36 inches) measured vertically above a line drawn through the outside edges of stair nosings.

- 11(4) Handrails will be provided on both sides of stairs when the width of the stairs is greater than 1100 mm (43 inches).
- 11(5) Every exterior landing, porch and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than for maintenance purposes, shall be protected by guards on all open sides where the difference in elevation between adjacent levels exceeds 610 mm (24 inches), and every exterior stair with more than six risers shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair exceeds 610 mm (24 inches).
- 11(6) Except for existing guards that have been maintained in good condition and are a minimum height of 900 mm (33 inches) all guards, including those that are required to be replaced due to their deteriorated condition or to be installed under subsection (5), shall be constructed in accordance with the Ontario Building Code and all such guards shall be maintained in good repair at all times.

INTERIOR STRUCTURE & FLOORS

- 12(1) In every building all structural components, including but not limited to all joists, beams, studding, and roof rafters, shall be of sound material and adequate for the load to which they are subjected.
- 12(2) Every cellar and basement shall have a floor of concrete or other material acceptable under the provisions of the Building Code, to ensure water drainage and to guard against the entry of vermin.
- 12(3) Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition or surface. Such defective floors shall be repaired or replaced.
- 12(4) Where floors have been covered with sheet or vinyl floor coverings or other flooring that has become worn or torn so that it retains dirt or may create an unsafe condition, the sheet or other flooring shall be repaired or replaced.
- 12(5) Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material.
- 12(6) Every wall and ceiling shall be maintained in a condition free from holes, open cracks, loose coverings or other substantial defects.

RUBBISH AND DEBRIS

- 13(1) Every property shall be kept free from garbage, rubbish, debris or accumulations of such materials that prevent access to or exit from the property in the case of emergency, or other safety or health hazard.
- 13(2) Every building shall be provided with sufficient proper receptacles to contain all garbage, debris or rubbish which accumulates on the property, and such materials shall be placed for collection in proper receptacles in compliance with applicable laws and by-laws, and not allowed to accumulate for longer than ten days.
- 13(3) Every unenclosed porch or unenclosed balcony, and every exterior or interior hallway, stairway and common area shall be kept free of garbage, debris, furniture or appliances, except furniture which is outdoor grade or made weather and water resistant may be placed for use on balconies or porches.
- 13(4) Receptacles for garbage shall be:
- (a) made of watertight construction
 - (b) provided with a tight fitting cover, which may be removed only when the receptacle is empty or is being actively loaded;
 - (c) maintained in good condition without holes or spillage; and
 - (d) closed, or emptied, rinsed and cleaned when not in use, to prevent the escape of offensive odour or debris.
- 13(5) Plastic bags shall be considered acceptable receptacles under subsection (4) above provided they are:
- (a) adequately secured so as to prevent spillage;
 - (b) not stored outdoors unless protected from access by animals or vermin; and
 - (c) otherwise are maintained in compliance with (4) above.
- 13(6) Paper receptacles are not acceptable under this section, except only where they are placed inside other compliant receptacles or are placed out for collection in compliance with applicable collection by-laws.
- 13(7) Where commercial or on site garbage containers are visible from a public street or land, or the subject site abuts residential properties, the area where the receptacles are stored shall be enclosed on all sides by wall or

solid fence not less than 1.8 meters (6 feet) high, such wall or fence containing an adequate door or gate to allow for the removal of garbage or refuse.

- 13(8) Where an exterior bulk or roll-off container disposal system is used, it shall:
- (a) be equipped with covers or similar devices which shall be readily operable but not left open except when actively being loaded;
 - (b) be large enough to contain all refuse generated between collections by the occupants served;
 - (c) not be loaded beyond the top of the container.
- 13(9) Receptacles for garbage, recyclable materials, and containers for recyclable materials shall not be stored in a front or side yard, except:
- (a) proper receptacles may be placed out for collection, provided they are placed out in the time and manner that is in compliance with municipal by-laws; and
 - (b) commercial properties that maintain receptacles for use by the public entering the property, may have recycling or garbage receptacles in the front yard, if they are regularly emptied into proper containers or receptacles and any spillage is removed.

PLUMBING SYSTEM

- 14(1) The plumbing system in every building shall be maintained in good working order and free from leaks and defects.
- 14(2) All water pipes and appurtenances thereto shall be protected from freezing.
- 14(3) All plumbing fixtures shall be connected to the sewage system through water seal traps.
- 14(4) Every dwelling and every building to which water is available under pressure through piping shall be provided with:
- (a) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, sink and laundry area; and
 - (b) piping for cold water connected to every toilet and hose bib.

KITCHEN FACILITIES

15. Every kitchen shall contain an area equipped with a sink, served with potable running water, storage facilities, a work area, and space for a stove and refrigerator and all areas and spaces shall be maintained in a good state of repair.

HEATING SYSTEMS

- 16(1) Except for spaces exempted by the Building Code, a heating system shall be installed that is capable of supplying during normal hours of occupancy of the building sufficient heat to maintain a temperature of not less than 22° Celsius (72° Fahrenheit) at the outside design temperature specified in the Building Code.
- 16(2) For the purposes of subsection (1), heat shall be provided and maintained so that the room temperature at 1.5 meters (5 feet) above floor level and 1 meter (39 inches) from exterior walls in all habitable space and in any area intended for use by occupants including recreation rooms and laundry rooms but excluding locker rooms and garages, is at least 20° Celsius (68° Fahrenheit).
- 16(3) The heating system and all mechanical equipment associated with building services shall be operated and maintained:
 - (a) in good working order;
 - (b) free from unsafe conditions; and
 - (c) in accordance with the requirements of the Building Code.
- 16(4) A heating appliance shall not be located in corridors, hallways or other means of egress.
- 16(5) Except in the event of an emergency, no occupied building shall be equipped with portable heating equipment as the primary source of heat.
- 16(6) Any heating system or part thereof or any auxiliary heating system that is designed to burn solid or liquid fuel shall be provided with a properly constructed receptacle for fuel storage or a place for storage located so as to be free from fire or accident hazard.
- 16(7) Every chimney, smoke pipe and flue shall be maintained so as to prevent gases from leaking into a building and the maintenance shall include cleaning the flue of obstructions, filling open joints and repairing masonry.

- 16(8) Any fuel burning heating equipment used in a building shall be properly vented to the outside air by means of a Canadian Standards Association approved or Building Code compliant smoke pipe, vent pipe or chimney.

ELECTRICAL SERVICES

17. The capacity of the electrical connection to a building and the system of circuits and electrical outlets distributing the electrical supply within the building shall be:
- (a) adequate for the intended use; and
 - (b) maintained at all times,
 - (i) free from unsafe conditions ; and
 - (ii) in accordance with the requirements of the Ontario Electrical Code.

LIGHTING

- 18(1) Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in good working order.
- 18(2) All hallways, stairs, common areas and underground parking areas shall be illuminated so as to provide safe passage.
- 18(3) Facilities for lighting, including flood lighting required as a condition of site development or redevelopment, shall be maintained in a good state of repair and in accordance with the recommended horizontal illuminance as set out under the I.E.S. Lighting Handbook (2000).
- 18(4) Subject to subsection 18(5) below, outdoor lighting and indoor lighting that can be seen outdoors shall be placed and maintained, or have barriers or shades placed and maintained so as to prevent or block direct illumination of the interior of a dwelling on adjacent property regardless of whether such dwelling has or may have shades, drapes or other interior window coverings.
- 18(5) Subsection 18(4) above:
- (a) does not apply to lighting located by a road authority,
 - (b) does not apply to property owned or occupied by a municipal, provincial or federal government or authority,

- (c) does not require light fixtures used in conjunction with commercial, industrial, institutional, agricultural or recreational uses to be turned off at any time the use is actually being conducted, but may require the re-direction, movement or the placing of shades or barriers to comply with the standards in this section,
- (d) does not require that an illuminated outdoor advertising sign on the premises of a business to be turned off any time the business is open to the public, but may require the re-direction, movement or the placing of shades or barriers to comply with the standards in this section, or
- (e) does not require light fixtures used to illuminate any area for emergency, security or public safety purposes to be turned off any time the illumination is necessary for those purposes, but may require the re-direction, movement or the placing of shades or barriers to comply with the standards in this section.

YARDS/ PARKING LOTS/ VACANT PROPERTY

- 19(1) Yards shall be kept clean and free from rubbish or other debris and from objects or conditions that might create a health, fire or accident hazard or an unsafe condition.
- 19(2) A well, cistern, cesspool, privy vault, pit or excavation shall be permanently sealed, or secured by a fence, cover or netting, unless it is in active use, in which event it shall be secured by fencing with warning signs until the use has ceased, whereupon they shall be sealed or secured as required above.
- 19(3) The water in any privately owned swimming pool shall be kept clean and in a sanitary condition free from obnoxious odours and conditions likely to create a breeding environment for insects.
- 19(4) Storage, salvage, and scrap yards, whether licensed or not, shall be effectively screened from all other property or streets by a visual barrier and materials or matter of any kind stored or located in such yards shall not be piled within 1 meter (39 inches) of such visual barrier, unless such visual barrier is capable of sustaining any horizontal load which may be imposed upon it by the stored materials without collapsing or leaning over adjacent property.
- 19(5) All yards shall be provided with suitable ground cover to prevent instability and erosion of the soil.

- 19(6) Grass shall be kept trimmed to no more than 20.32 centimeters (8 inches) in height or the vegetation on lawns and yards otherwise maintained in compliance with section 3 of the Yard Waste and Maintenance By-law of the City of Hamilton, and all other growth, plantings and hedges shall be kept trimmed so as not to encumber or encroach upon public sidewalks, private walks and driveways, and further every yard and vacant property shall be kept free of noxious weeds as provided by the Weed Control Act, R.S.O. 1990, Chapter W.5 and amendments thereto and the regulations or by-laws made thereunder.
- 19(7) Trees or parts thereof that have expired shall be removed or maintained in a condition which is not hazardous to persons expected to be on or about the property.
- 19(8) Concrete wheel stops shall be installed where parking spaces are adjacent to a property line to protect fences and neighbouring properties from physical damage.
- 19(9) Areas used for vehicle traffic and parking shall be paved with bituminous, concrete or equivalent surfacing or shall be surfaced with crushed stone or other suitable and reasonably dust free substance, and shall be maintained in good repair.
- 19(10) Stone surfaces shall be maintained free of dust and spillover onto sidewalks and grass surfaces.
- 19(11) Notwithstanding subsections 13(1) and 19(1) above, a farm meeting the definition of "agricultural operation" under the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1, may store agricultural equipment in a yard provided:
- (a) the equipment is stored within a building; or
 - (b) if the equipment is outdoors, it is:
 - (i) placed or arranged so as not to create a safety or health hazard to persons on the property, and in particular does not block emergency access to or from the property;
 - (ii) within an area enclosed by a fence, wall or other solid structure including a hedge at least 2 meters (6.5 feet) high, or some combination of those enclosures, with not more than three access points for entry or exit from the area; and
 - (iii) set back from the property lines by at least 122 meters (400 feet).

- 19(12) For the purpose of subsection (11) above, “store” and “stored” in relation to farm equipment means equipment that is not in use, and includes equipment that is not operational or in need of repair.

WALKS AND SAFE PASSAGE

- 20(1) There shall be a walk leading from the principal entrance of every building to the street. Such walks may lead to a driveway or hard surfaced area provided such driveway or area leads to a street.
- 20(2) The surfaces of steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under their normal use.

SEWAGE AND DRAINAGE

- 21(1) Sanitary sewage shall be discharged into the municipal sanitary sewer where such a system exists, and where a municipal sanitary sewer does not exist, the sewage shall be disposed of in a manner in accordance with the Building Code requirements for on-site sewage systems.
- 21(2) Roof drainage or discharge from a sump pump shall not be permitted to discharge on a sidewalk, stairs, neighbouring property, or a street.
- 21(3) Storm water shall be drained from a yard so as to eliminate recurrent standing water or surface ponding, and such drainage shall be controlled, directed or limited so as to prevent the entrance of water into a basement or cellar on the property or adjoining properties basements or cellars.
- 21(4) Condensation from air conditioners shall not be permitted to discharge onto the sidewalk or street.
- 21(5) Eavestroughs and downspouts shall be maintained:
- (a) watertight and free from leaks,
 - (b) in good working order, and free from any obstructions, and
 - (c) in a stable condition and shall be securely fastened to the structure.

FENCES, BARRIERS, RETAINING WALLS AND SIGNS

- 22(1) Fences, barriers, retaining walls and signs shall be kept in good repair, and subject to subsection (6) below shall be maintained in compliance with the requirements of this section.

- 22(2) Fences, barriers, retaining walls and approved enclosures shall be kept free from posters not in compliance with subsections 8(5) and 8(6) above.
- 22(3) The owner of any property used for multiple-dwelling, commercial, institutional, or industrial purposes shall install and maintain a visual barrier not less than 1.2 meters (4 feet) and not more than 2.0 meters (78 inches) in height where such property is used for the parking, access, and exiting of vehicles by tenants, employees, or customers or when used for the operation of equipment or when used for the storage of goods, or when used for any other purpose which may detract from the enjoyment and good appearance of an abutting residential property.
- 22(4) Despite Section 22(3), no visual barrier shall be required within three meters (117 inches) in distance from a front lot line or in contravention of the applicable zoning by-law.
- 22(5) Sign faces and their structures shall be maintained without any visible deterioration of the sign or its structure.
- 22(6) Where a local zoning by-law, site plan or subdivision agreement entered into under the provisions of the Planning Act, R. S .O. 1990, c. P.13 provides for a different maximum height for fencing, the height of the fence may be higher than required in this section provided it is in compliance with such zoning by-law or agreement.

ADDITIONAL RESIDENTIAL STANDARDS

23. The standards, obligations and requirements in sections 24 through 35 both inclusive, apply to all residential property.

WEATHER PROOFING

24. Every exposed ceiling or exterior wall of a residential building when opened or replaced during the course of alterations or renovations shall be insulated, in order to minimize heat loss, air infiltration and moisture condensation on the interior surfaces, in accordance with the Building Code.

SECURITY

- 25(1) All opening windows shall have hardware so as to be capable of being locked or otherwise secured from the interior of the space.
- 25(2) All exterior doors and the entrance door to a dwelling unit, shall have hardware so as to be capable of being locked from the outside, and locked or otherwise secured from the interior of the space.

- 25(3) Every lock on a building that is designed to be unlocked with a key or key and combination shall be maintained in good working order or shall be repaired or replaced.
- 25(4) The owner of a multiple dwelling, upon the written request of an occupant of the dwelling unit in which children under the age of ten years are occupants, shall subject to subsection (5) below, provide and install a protective device on any window that,
- (a) has a moveable sash, and
 - (b) is more than 1.8 meters (6 feet) above adjacent finished ground level.
- 25(5) The protective device shall be installed within seven days of the delivery of the written request upon the building owner, the owner's agent or the building's manager or superintendent, provided that such person and the occupant giving notice may agree that the protective device is not required on every such window that meets the requirements of subsection (4) above.
- 25(6) The protective device shall be installed and secured in such a manner as to prevent opening of the window(s) to any amount greater than 100 millimeters (4 inches).
- 25(7) The owner of a building containing ten or more dwelling units shall post or display or cause to be posted or displayed and shall maintain or cause to be maintained a legible and clearly printed copy of this section, conspicuously placed in the building so as to be clearly visible to occupants of the building.

WATER

- 26(1) Every dwelling shall be provided with an approved supply of potable water from at least one of the following sources:
- (a) Municipal Water System;
 - (b) Communal Water System; or
 - (c) Private Source.
- 26(2) For the purpose of this By-law, hot water shall be supplied at a temperature of not less than 43° Celsius (100° Fahrenheit).

TOILET, KITCHEN AND BATHROOM FACILITIES

- 27(1) Every dwelling unit shall contain a minimum number and type of working plumbing fixtures, consisting of:
- (a) a kitchen sink;
 - (b) a water closet;
 - (c) a hand wash basin; and
 - (d) a bathtub or shower.
- 27(2) The floor and the walls to a minimum height of .9 meters (3 feet) above the floor or bathtub of every bathroom, shower room and toilet room shall be so maintained as to be water-resistant and readily cleaned.
- 27(3) All bathrooms and toilet rooms shall be located within and accessible from within the building and all bathrooms and toilet rooms shall be maintained in a good state of repair.
- 27(4) All bathrooms and toilet rooms shall be fully enclosed and shall have a door capable of being closed so as to provide privacy for the occupant.
- 27(5) A hand wash basin shall be located in the same room as each toilet or in an adjoining bathroom, provided that no sink in a kitchen shall be considered a hand wash basin for the purpose of this section.
- 27(6) Where toilet, kitchen or bathroom facilities are shared by the occupants of residential accommodation, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities. The minimum number of toilets, kitchens or bathrooms required shall be in accordance with the Building Code.
- 27(7) Every bathroom and every toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good working order.
- 27(8) No toilet or urinal shall be located within a habitable room.

KITCHEN FACILITIES

28. Every dwelling unit and residential care facility shall be provided with a kitchen with the following:
- (a) a sink and a splash back which is water and grease resistant;

- (b) a work surface of at least .74 square meters (8 square feet), which shall be impervious to grease and water;
- (c) cupboards or pantry for the storage of food, dishes, and cooking utensils, having an interior capacity of at least .8 cubic meters (30 cubic feet), of sufficient design that when loaded the cupboards or pantry will not collapse, and secured in such a manner that when loaded they will not tip or become detached from the wall to which the cupboards or pantry may be secured; and
- (d) without affecting the above requirements, space sufficient to accommodate a cooking range or countertop cooking unit, beside or in the countertop and without placing the device in a doorway or a path of egress.

ELECTRICAL SERVICES

- 29(1) Where electrical services are available every suite and dwelling unit, shall be:
- (a) connected to an electrical supply system; and
 - (b) wired to receive electricity.
- 29(2) An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.

VENTILATION

- 30(1) Except as provided in subsection (5) below, every habitable room shall have an opening or openings for natural ventilation from outside which shall be maintained in good working order.
- 30(2) Except as provided in subsection (3) below, every bathroom or room containing a water closet shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed area of .09 square meters (1 square foot).
- 30(3) Where a system of mechanical ventilation is provided in accordance with the Ontario Building Code, an opening for natural ventilation from a bathroom or toilet room may be omitted.
- 30(4) All systems of mechanical ventilation shall be maintained in good working order.

- 30(5) The natural ventilation requirements prescribed in subsection (1) may be omitted from any room where the equivalent ventilation is provided by mechanical ventilation equipment.
- 30(6) Every basement, cellar, unheated crawl space and attic shall be vented in accordance with the table following, and such vents shall be designed and maintained to prevent entry of snow, rain, rodents and insects:

TABLE: Required Venting

<u>Location</u>	<u>Minimum Unobstructed Vent Area</u>
Attic	0.3% of insulated Ceiling area
Basement (unfinished), Unheated crawl space, or Cellar	0.2% of the floor area

- 30(7) All windows in a residential unit designed to be open shall be fitted with screens so as to prevent the entrance of insects and rodents and screens shall be maintained in good repair.

GARAGES

- 31. Garages shall be so maintained as to prevent gas fumes and carbon monoxide from entering the area of the dwelling unit.

GARBAGE DISPOSAL

- 32(1) Subject to subsections (2) and (3) below, every garbage and refuse chute, and every garbage and refuse storage room in a multiple dwelling shall be kept in use and maintained in operation at all times.
- 32(2) No owner of a multiple dwelling or occupant thereof shall disconnect, shut off, remove, otherwise discontinue, or cause or permit the disconnection, shutting-off, removal, or discontinuance of any garbage and refuse chute or any garbage and refuse storage room except when such action is necessary in order to safely make repairs, replacements or alterations thereto, and then only during the reasonable minimum time that such action is necessary.
- 32(3) Where it is not practical to maintain garbage chutes operational, because compactors are not able to be installed in place of incinerators the garbage and refuse chutes need not be maintained operational at all times if an alternate method readily accessible to all occupants is provided and maintained as follows:
 - (a) a garbage storage area is provided on each floor of the building,

- (b) the occupants are not required to deliver the garbage to the ground floor, basement or parking lot of the building, and
- (c) the owner of the building provides a daily collection procedure from each floor and delivers the garbage to the receptacles as required by subsections 13(4) and 13(5).

COMPOSTING

- 32(4) A residential property may provide for not more than two compost heaps, provided the piles are located in the rear yard and each is no larger than one meter square (10.76 square feet), no higher than 1.8 meters (6 feet), and are each enclosed on all sides by concrete blocks, a lumber structure, a metal frame, or a commercial plastic compost container.

ELEVATORS

- 33(1) Subject to subsection (3) below, a multiple dwelling more than three (3) stories in height but not more than six (6) stories in height and which has an elevator or elevators for the use of tenants, shall have at least one elevator maintained and operable except for such reasonable time as may be required for repair or replacement.
- 33(2) Subject to subsection (3), a multiple dwelling more than six (6) stories in height and which has an elevator or elevators for the use of tenants shall have all elevators maintained and operable except for such reasonable time as may be required for repair or replacement.
- 33(3) In the event of conflict with the Elevating Devices Act, R.S.O. 1990, c. E.8, the regulations passed under such act, both as amended, or an order issued under that act, the act, regulation or order prevails over this by-law to the extent of the conflict.

OCCUPANCY STANDARDS

- 34(1) No person shall use or permit the use of a non-habitable room for a habitable room purpose.
- 34(2) Every living room, dining room, kitchen, and bedroom shall have a minimum room height of not less than;
- (a) 1.9 meters (6 feet 5 inches) over the required floor area and in any location that would normally be used as a means of egress; or
 - (b) 2 meters (6 feet 8 inches) over at least fifty per cent (50%) of the required floor area, provided that any part of the floor

having a clear height of less than 1.4 meters (4 feet 7 inches) shall not be considered in computing the required floor area.

- 34(3) A bedroom or sleeping room for one person shall have a floor area of at least 5.6 square meters (60 square feet), and a bedroom or sleeping room for two or more persons shall have a floor area of at least 3.3 square meters (36 square feet) per person, calculated in each case by the measurement of such room from the inside faces of its walls, exclusive of the floor area of any closet or other storage space and subject to subsection (4) below. All bedrooms or sleeping rooms shall have a minimum width of 1.8 meters (6 feet).
- 34(4) For the purpose of computing the floor area of rooms referred to in subsections (2) and (3) of this section, the floor area of any portion of the room which does not have a clear height of 1.4 meters (4 feet 7 inches) shall be excluded.

SEVERANCE AND CONFLICT

- 35(1) Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance and occupancy is maintained.
- 35(2) Where a provision of this By-law conflicts with the provision of another By-law, Act or Regulation in force within the municipality, the provisions that establish the higher standards to protect the health and safety of persons shall prevail.

RESPONSIBILITIES AND COMPLIANCE WITH ORDERS

- 36(1) The owner or occupant of a property shall:
- (a) Comply with all standards prescribed in this By-law.
 - (b) Not permit any person to use or occupy any property owned, managed or controlled by that person unless such property conforms to the standards prescribed in this By-law.
 - (c) Comply with any final and binding order of the Property Standards Officer.

- (d) Produce documents or things requested by the inspector for inspection as relevant to the property or any part thereof, allow the removal of such documents or things for the purpose of making copies, provide information or assist in the collection of information from other persons concerning a matter related to the property or part thereof, allow entry by the inspector or such persons as needed to carry out an inspection or test or in aid thereof, permit examination, tests, sampling or photographs necessary for the purposes of an inspection or in aid thereof, and provide at their expense when requested, tests and samples as are specified in an order, all as may aid or assist in the carrying out of an inspection and determination of compliance with this by-law and the relevant portions of the Building Code Act.
- (e) Ensure, that in complying with this by-law, and in carrying out work required under an order or other obligation under the by-law, that the property and activities shall be kept and carried out in a condition and manner that avoids conditions dangerous to the owner, occupants or visitors to the property or which put at risk of injury or health such persons, and giving adequate warning where such risks cannot be so avoided so as to allow such persons to avoid the danger or risks.

36(2) A person affected by a property standards order may seek to have compliance with an outstanding order determined by supplying such proof as may allow compliance to be determined or permit or arrange for an inspection of the property by an officer, and shall be liable to pay any applicable fees, charges or expenses.

36(3) Where the proof submitted in (2) is insufficient for the officer to determine compliance of the property with the order or part of the order, the person shall, subject to the Building Code, permit or arrange for a reasonable and timely inspection by the officer to determine compliance or that the proof submitted confirms compliance.

36(4) Where an officer determines there is compliance under this by-law with an order issued and registered on the title to a property, the order shall be discharged from the title.

ADMINISTRATION AND ENFORCEMENT

37(1) The Chief Building Official appointed pursuant to the Building Code Act, 1992, is hereby assigned the responsibility of administering and enforcing this By-law and the applicable sections of the Building Code Act, and may so assign duties to such persons, officers and inspectors

as necessary to carry out the provisions of this by-law and applicable provisions of the Building Code Act.

- 37(2) Persons appointed or assigned for the purposes of enforcing or administering this by-law are property standards officers, and have the authority to carry out the duties assigned to officers under this by-law and the Building Code Act, and may enforce the provisions of this by-law and the applicable sections of the Building Code Act.
- 37(3) A Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under section 15.3(7) of the Building Code Act, 1992 so as to provide for:
- (a) repair of the property; or
 - (b) clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and leveled condition, where the cost of doing the work does not exceed \$20,000.
- 37(4) Where the cost of doing the work exceeds \$20,000, the Chief Building Official shall seek the authorization from City Council to carry out the requirements of the order.
- 37(5) Upon completion of the work, repairs or demolition by or behalf of the City, the municipality shall have a lien on the land for the amount spent on the repair or demolition, and the amount shall be deemed to be municipal real property taxes and may be added by the clerk of the municipality to the tax roll and collected in the same manner and with the same priorities as municipal real property taxes as provided for by statute.

RIGHT TO ENTER AND INSPECT

- 38(1) Where a by-law under Section 15.1 of the Building Code Act, 1992 is in effect, an officer acting under this by-law or any person acting under his or her instructions may, at any reasonable time, and upon producing proper identification, enter upon any property without a warrant for the purpose of inspecting the property to determine:
- (a) whether the property conforms with the standards prescribed in the by-law, or
 - (b) whether an order made under this by-law has been complied with.
- 38(2) Notwithstanding the above, a Property Standards Officer shall not enter or remain in any room or place actually used as a dwelling without,

requesting and obtaining the consent of the occupier, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a warrant issued under this Act.

NOTICE OF VIOLATION

- 39(1) If, after inspection, an officer is satisfied that in some respect the property does not conform with the standards, he or she may issue an order to the owner and such other persons affected by it as the officer determines and a copy of the order may be posted on the property.
- 39(2) The order referred to in subsection (1) hereof shall,
- (a) state the municipal address or the legal description of the property;
 - (b) give reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris, or refuse and left in a graded and leveled condition;
 - (c) indicate the time for complying with the terms and conditions of the order and give notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense;
 - (d) indicate the final date for giving notice of appeal from the order; and
 - (e) be served or caused to be served,
 - (i) by personal service, or
 - (ii) by prepaid registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.

APPEAL OF ORDER

- 40(1) An owner or occupant who has been served with an order made under this by-law, and who is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order.
- 40(2) An order that is not appealed within the time referred to in subsection (1) above is deemed to be confirmed.

- 40(3) If an appeal is taken, the Committee shall hear the appeal and shall have all the powers and functions of the officer who made the order and may,
- (a) confirm, modify or rescind the order to demolish or repair
 - (b) extend the time for complying with the order if, in the committee's opinion, the general intent and purpose of the by-law and of the official plan or policy statement are maintained.
- 40(4) The city in which the property is situate or any owner or occupant or person affected by a decision under Section 39(3) may appeal to a Judge of the Superior Court of Justice by notifying the clerk of the corporation in writing and by applying to the Superior Court of Justice for an appointment within 14 days after the sending of a copy of the decision
- 40(5) A Judge of the Superior Court of Justice shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and upon whom the appointment is to be served.
- 40(6) On the appeal, the Judge has the same powers and functions as the Committee.
- 40(7) An order that is deemed to be confirmed or modified by the Committee or Judge, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

REGISTRATION OF ORDER

- 41(1) An order issued pursuant to subsection (1) of Section 38 may be registered in the Land Registry or Land Titles Office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under section 39.
- 41(2) When the requirements of the order have been satisfied, the Clerk of the City shall forthwith register in the Land Registry or Land Titles Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

POWER OF CORPORATION TO REPAIR OR DEMOLISH

- 42(1) If the owner or occupant of a property fails to repair or to demolish the property in accordance with an order as confirmed or modified, the City in addition to all other remedies:
- (a) may repair or demolish the property;
 - (b) may clear the site of all buildings, structures, debris or refuse and leave the site in a graded and leveled condition; or
 - (c) may make the site safe or impede entry by erecting fences, barricades or barriers.
- 42(2) For the purposes of subsection (1) a Property Standards Officers and agents employed by the City may from time to time enter in and upon the property.
- 42(3) Despite Section 31(2) of the Building Code Act, 1992, the City or an officer acting on its behalf shall not be liable to compensate the owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the City in the reasonable exercise of its powers under the provisions of this section.

PROPERTY STANDARDS COMMITTEE

- 43(1) A committee to be known as The Property Standards Committee of the City of Hamilton is hereby established.
- 43(2) The Property Standards Committee for the City of Hamilton shall consist of five residents of, or property owners in the City to be appointed by Council, with a 3-year term. The members of the Committee shall hold office until their successors have been appointed. Any vacancy on the Committee shall be filled forthwith.
- 43(3) The membership of the Property Standards Committee and their term of appointment, which term is subject to (2) above, are attached as Schedule "B" to this By-law.

CERTIFICATE OF COMPLIANCE

- 44(1) Every property owner may make an application to the City for a certificate of compliance by completing and signing an application on the form available at the offices of the Chief Building Official, and paying the applicable fee.
- 44(2) Fee for inspection: Where a property standards order has been registered, an owner or occupant may apply for an inspection of the

property in respect of the order and shall pay a fee of \$225.00 at the time of application, which fee includes the registration of a discharge where compliance with the order is found.

PENALTIES

- 45(1) Subject to subsection (2), a person who fails to comply with an Order which is final and binding is guilty of an offence and upon conviction shall be liable to a fine of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for any subsequent offence.
- 45(2) If a corporation is convicted of an offence under this By-law, the maximum penalty that may be imposed on the corporation is \$50,000 for a first offence and \$100,000 for any subsequent offence.
- 45(3) Every director or officer of a corporation who knowingly concurs in the failure of the corporation to comply with a final and binding order is guilty of an offence, and upon conviction shall be liable to a fine of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for any subsequent offence.

PROCEEDINGS CONTINUED

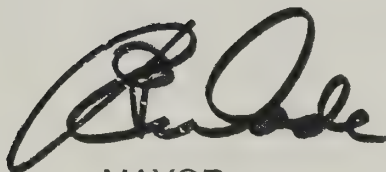
- 46(1) Any order issued or proceeding being conducted under a property standards by-law of any former area municipality, including the predecessor to by-laws mentioned in section 47 below, shall be deemed to continue under this By-law, and any reference to such by-law in a prior order, notice or proceeding shall be deemed to refer to this By-law.
- 46(2) In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters in respect of a property standards by-law of any former area municipality, including the predecessor to by-laws mentioned in section 47 below, the process may be continued and carried out under this By-law.

REPEAL

- 47. The following by-laws or the former area municipalities are hereby repealed, all as amended:
 - (a) By-law No. 98-243 (Hamilton);
 - (b) By-law No. 79-115 (Ancaster);
 - (c) By-law No. 4478-99 (Dundas);
 - (d) By-law No. 80-111-P (Flamborough);
 - (e) By-law No. 505-94 (Glanbrook); and
 - (f) By-law No. 4239-95 (Stoney Creek).

48. This By-law comes into force and effect on the date of its passing and enactment.

PASSED AND ENACTED this 14th day of May, 2003

A stylized, cursive handwritten signature in black ink, likely belonging to the Mayor.

MAYOR

A handwritten signature in black ink, appearing to be a series of sharp, diagonal strokes, likely belonging to the City Clerk.

CITY CLERK

SCHEDULE "A"

FEES

- (1) FEES FOR CERTIFICATES OF COMPLIANCE: An applicant shall pay the applicable fees for a Certificate of Compliance at the time the application is made, as follows:
 - (a) For a single family dwelling.....\$220.00;
 - (b) For a two family dwelling, a three family dwelling, or multiple dwelling, \$220.00 plus an amount calculated at the rate of \$30.00 for each additional dwelling unit in excess of the first dwelling unit;
 - (c) For a lodging house or nursing home, \$220.00 plus an amount calculated at the rate of \$20.00 for each permitted resident; and
 - (d) For all other buildings, \$220.00 plus an amount calculated at the rate of \$10.00 per 1,000 square feet of gross floor area for the gross floor area in excess of the first 1,000 square feet.

SCHEDULE "B"
PROPERTY STANDARDS COMMITTEE

Membership and Term of Office

- A. Jane Evans, Term Expiring November 30, 2003
- B. David Ricketts, Term Expiring November 30, 2003
- C. Louis Ulbinas, Term Expiring November 30, 2005
- D. Fabrizio Angelici, Term Expiring November 30, 2005
- E. Irene Hubar, Term Expiring November 30, 2004

Authority: Item 13 Committee of the Whole
Report 03-013 (PD03107)
CM: May 14, 2003

Bill 118

THE CITY OF HAMILTON

BY-LAW NO. 03-118

RESPECTING LITTER, YARD WASTE AND PROPERTY MAINTENANCE

WHEREAS Council desires to pass regulations and prohibitions against littering of private and public property, for the maintenance of yards and other property by owners and occupants, prohibiting the dumping or improper storage of refuse, for the proper drainage of water and sewage, and the salvage of motor vehicles and their components, with the intent of promoting the proper recycling and re-use of resources in conjunction with other by-laws establishing a waste management system, the limiting of waste and wasteful practices, and for limiting or eliminating nuisances, the spread of vermin, particularly from waste and naturalized areas to other properties, and other unhealthy practices and conditions arising from litter, refuse, neglect and improper drainage;

AND WHEREAS Section 127 of the Municipal Act, S.O. 2001, c. 25 as amended, permits councils of local municipalities to pass by-laws for requiring the owner or occupant to clean and clear the land, not including buildings, or to clear refuse or debris from the land, not including buildings, to regulate when and how such matters shall be done, to prohibit the depositing of refuse or debris on land without the consent of the owner or occupant of the land, and to define "refuse";

AND WHEREAS Section 2 and sections 8 through 11 of the Municipal Act (supra) provide for the Council of a Municipality to pass by-laws for purposes which include the provision of services and things necessary and desirable for the municipality and fostering current and future economic, social and environmental well-being of the municipality, and powers which include the authority to regulate, prohibit and impose requirements on persons, and to differentiate between persons, and specifically to enact by-laws dealing with waste management, drainage and flood control and structures;

AND WHEREAS Section 131 of the Municipal Act (supra) permits by-laws prohibiting, regulating and inspecting the use of any land for the storage of used motor vehicles for the purpose of wrecking or dismantling them for salvaging parts thereof for sale or other disposal;

AND WHEREAS Section 128 of the Municipal Act (supra) permits by-laws for prohibiting and regulating public nuisances, including matters that, in the opinion of council, are or could become or cause public nuisances and the opinion of council, if arrived at in good faith, is not subject to review by any court;

AND WHEREAS Section 427 of the Municipal Act (supra) provides that where Council may direct or require by by-law or otherwise that any matter or thing be done, the council may directing that, in default of it being done by the person directed or required to do it, such matter or thing may be done at the person's expense and the corporation may recover the expense incurred in doing it by action, or collected in the same manner as municipal taxes;

AND WHEREAS Council considers that reasonable notice of the by-law has been given, including notice of and the holding of a meeting on November 21, 2002 for public comment and consultation, pursuant to section 251 of the Municipal Act (supra);

AND WHEREAS section 99 of the Municipal Act (supra) deals with authority and limitations over the regulation and prohibition of advertising devices;

NOW THEREFORE, the Council of the City of Hamilton enacts as follows:

SHORT TITLE

1. This by-law may be cited as the "Yard Waste and Maintenance By-law".

INTERPRETATION

2(1) In this by-law:

- (a) "city" means the City of Hamilton or the geographic area of the municipality, as the context requires;
- (b) "Director of Building" means the Chief Building Official appointed by Council under the Building Code Act, S.O. 1992, c. 23 as am., or the person who is appointed to act in that capacity during his or her absence;
- (c) "domestic waste" means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from a residence, belonging to or associated with a house or use of a house or residential property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on a property due to exposure or the weather, and for even greater certainty it is hereby declared that "domestic waste" includes but is not limited to the following classes of material regardless of the nature or condition of the material, article or thing:
 1. Broken or torn bits of twigs, splinters or rags, tree cuttings or cut limbs and brush from any shrub or tree, and waste lumber,

excepting only cut and stacked firewood for use in a fireplace on the property;

2. Paper, paper cartons and other paper products;
 3. Rotting vegetable matter, or rotting animal matter;
 4. Disconnected appliances, including refrigerators, stoves, freezers, or any part or parts of such things;
 5. Furnaces or furnace parts, ducting, pipes, fittings to pipes, and wire;
 6. Water or fuel tanks;
 7. Inoperative machinery, inoperative motor vehicles, and parts or accessories of such items;
 8. Accumulations, deposits, leavings or sweepings of litter, remains, rubbish, or trash of any sort, whether animal, mineral or vegetable;
 9. Broken or indoor furniture;
 10. Crockery, dishes, pots, and pans;
 11. Sewage;
 12. Animal waste products, hides, parts or carcasses other than those arising from industrial or agricultural businesses legally operated on the land; and
 13. Construction, demolition, repair or renovation debris or leftovers from such work;
- (d) "industrial waste" means any debris, rubbish, refuse, sewage, effluent, discard, or garbage of a type arising from industrial or commercial operations, or belonging to or associated with industry or commerce or industrial or commercial property, which for greater certainty includes all garbage, discarded material or things, broken or dismantled things, and materials or things exposed to the elements, deteriorating or decaying on the property due to exposure or the weather, and for even greater certainty it is hereby declared that "industrial waste" includes but is not limited to the following classes of

material regardless of the nature or condition of the material, article or thing:

1. Debris, discarded things or matter, or effluent which in whole or in part are derived from or are constituted from or consist of,
 - (A) animal or vegetable matter, paper, lumber, or wood, or,
 - (B) mineral, metal, or chemicals, or fill contaminated with petrochemical or petroleum products;
 2. Piles of miscellaneous plastic, wood or metal parts, or combinations of such materials;
 3. Automotive parts not packaged for immediate shipment, inoperative vehicles, vehicle parts, inoperative mechanical equipment, mechanical parts, accessories or adjuncts to the vehicles and mechanical equipment not contained in a legal salvage yard;
 4. Piping, ducting, tubing, conduits, cable, wire and fittings or related accessories, with or without adjuncts, and not packaged for immediate shipment;
 5. Material resulting from or as part of, construction, demolition, repair or renovation projects including debris and leftovers;
 6. Rubble or fill;
 7. Bones, feathers, hides or other animal parts or carcasses;
 8. Sewage;
 9. Dust emanating from the operation of the enterprise; and
 10. Ashes;
- (e) "inoperative motor vehicle" means a vehicle having missing bodywork, components or parts, including tires, or damaged components, parts, bodywork, glass, or deteriorated or removed adjuncts, which prevent its mechanical function;
- (f) "naturalized area" means a property or a portion of a property deemed a naturalized area in section 3;
- (g) "officer" shall mean a Municipal Law Enforcement Officer, a Building Inspector, a Fire Prevention Officer, a Fire Fighter, or a Health

Inspector or other person appointed or employed by the City for enforcement of by-laws, and includes a police officer;

- (h) “occupant” means any person or persons over the age of 18 years in possession of the property;
- (i) “owner” includes:
 - (i) both the owner in trust and beneficial owner of land,
 - (ii) the person for the time being managing or receiving rent of the land or premises in connection with which the word is used, whether on the person’s own account or as agent or trustee of any other person, or who would receive the rent if the land and premises were let; and
 - (iii) a lessee or occupant of the property who manages or controls the condition of the property;
- (j) “order” means any notice of non-compliance issued under this by-law;
- (k) “property” means any grounds, yard or vacant lot;
- (l) “refuse” includes all manner of waste, debris and sewage as provided for or defined in this by-law but does not include a building or buildings on a property, but does include parts or pieces of such structures on the property that are dismantled or are rubble, or which have become detached from a building, whether by construction, demolition, damage or deterioration;
- (m) “sewage” includes any liquid waste containing human, vegetable, or mineral matter, waste that is in suspension whether domestic or industrial or any other waste whether in suspension or precipitated, but does not include roof water or storm run-off;
- (n) “turf grass” means ground cover comprised of one or more species of growing grass with or without trees, shrubbery or maintained planting beds for other vegetation;
- (o) “watercourse” means an identifiable depression in the ground in which a natural flow of water occasionally, regularly or continuously flows, even if bed is sometimes dry, and even if the banks are sometime overflowed or submerged; and
- (p) “weed” means a noxious weed designated by or under the Weed Control Act, R.S.O. 1990, c. W.5, including any weed designated as a

local or noxious weed under a by-law of the City passed under that Act.

- 2(2) Where this by-law provides both metric and imperial measurement for the same item, the imperial measurement is provided for convenience only and is approximate.

PROPERTY AND DRAIN MAINTENANCE

- 3(1) Every owner or occupant of land shall keep the vegetation on the property clean and cleared up.
- 3(2) Every owner or occupant of land on which there is a private drain shall keep the drain operational and in repair, and no owner or occupant of land shall obstruct, or cause or permit the obstruction of a private drain on the land, provided only that the subsequent connection of the property's private sewage system to the municipal sanitary sewer in a manner approved by the City, shall be permitted as a replacement to the private sanitary drain.
- 3(3) For the purpose of subsection 3(1) above, "clean" or "cleared up" means:
- (a) The removal of weeds from all turf grass areas, naturalized areas, buffer strips and perimeter strips;
 - (b) In turf grass areas, the cutting of grass so that its height is maintained below 20.32 centimeters (8 inches) in height;
 - (c) In a naturalized area that is either on a lot on a registered plan of subdivision or if not such a lot, if a residentially used parcel abutting another residential parcel, the cutting of vegetation other than trees or shrubbery so that its height is maintained below 20.32 centimeters (8 inches) along a minimum one meter (3.28 feet) wide strip immediately adjacent to the lot lines and along all boundaries of the whole lot or parcel of land, which strip is herein called a "buffer strip"; or
 - (d) In a naturalized area other than an area described by clause (c) above, the cutting of vegetation other than trees or shrubbery, so that its height is maintained below 20.32 centimeters (8 inches), along a minimum ten meter (32.8 feet) wide strip immediately adjacent to the lot line where the lot line adjoins a roadway or an occupied property, which strip is herein called a "perimeter strip".
- 3(4) For the purposes of clause 3(3)(a) above, weeds shall be destroyed by the following means:

- (a) pulling or otherwise removing the plants from the soil;

- (b) cutting the roots or stalks of the plants before the seeds have developed sufficiently to ripen after cutting;
 - (c) turning the soil in which the plants were growing so as to bury or kill the weeds; or
 - (d) in the case of poison ivy, treating it with a herbicide that causes the plants to be destroyed, or which prevents the growth of the plants or the ripening of their seeds, provided that nothing in this clause authorizes the use of any herbicide that is contrary to any other law in force in Ontario.
- 3(5) For the purpose of this by-law, an area is deemed to be a naturalized area if the property or portion covered by vegetation is landscaped and maintained with a variety of flowers or plants, with or without grasses, or left to grow a variety of indigenous plants.
- 3(6) No owner or occupant of land shall obstruct, or cause or permit the obstruction of a watercourse on the land.
- 3(7) Subsection (1) above, does not apply to crops being grown by an “agricultural operation” as defined in the Farming and Food Production Protection Act, 1998, S.O. 1998, c. 1 on lands where agricultural uses are permitted uses under land use by-laws.

LITTER

- 4(1) No person shall throw, place or deposit refuse or debris on private land without the written authority of the owner or occupant of the land.
4. 4(2) No person shall throw, place or deposit refuse or debris on owned or occupied land by the City or a local board of the City without the written authority of the City or the local board and where such land is occupied by a person other than the owner, without the written authority of the occupant.
- 4(3) A person does not breach subsections (1) or (2) merely by placing garbage out for collection on their property in accordance with municipal by-laws and collection schedules, but no person shall leave out garbage contrary to such by-laws or schedules.
- 4(4) An owner or occupier of land shall clean or clear exterior walls of any building or structure on the land, and their components, so as to be free of posters, which are for the giving of notice for an event that has already occurred, or where the message contained is not readable due to damage or deterioration to the poster or

its content, or where the posters are loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter.

- 4(5) Pursuant to the Municipal Act, S. O. 2001, c. 25 as amended, the cost of removal of posters by the City is collectable against the owner of the advertising device under the terms of the said Municipal Act notwithstanding the other content of this by-law.

GARBAGE AND WASTE DISPOSAL

- 5(1) Every owner or occupant of land shall keep their property free and clear of all garbage, refuse or domestic or industrial waste of any kind.
- 5(2) No person shall use any land or structure within the city for dumping or disposing of garbage, refuse, or domestic or industrial waste of any kind.
- 5(3) The owner or occupant of land used contrary to or on which there is a contravention of subsections (1) and (2) above, regardless of whether the use or contravention occurred prior to the enactment of this by-law, shall at the persons own expense clean, clear and cease using such land or structure for such prohibited purposes.
- 5(4) Subject to subsection (5), subsections (1) and (2) do not apply to,
- (a) land or structures used by the City for the purpose of dumping or disposing of waste; or
 - (b) land or structures designated by by-law of the City for the purpose of dumping or disposing of waste.
- 5(5) No person other than the City or its agents, without the prior authorization of the City and except in accordance with such authorization, shall dump or dispose of garbage, refuse, or domestic or industrial waste of any kind on lands mentioned in subsection (4).

MOTOR VEHICLE SALVAGE

- 6(1) No person shall use any land or structure in the city for storing used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or other disposal including the purposes of repairing other vehicles.
- 6(2) Subsection 6(1) above does not apply if zoning by-laws permit the land to so be used and the person holds a current and valid license issued by the City for the land, permitting motor vehicle salvage.

ADMINISTRATION AND ENFORCEMENT

7(1) The Director of Building or an officer may make an Order, sent by pre-paid regular mail to the last known address, posted on site or personally delivered, to an owner, lessee or occupant, requiring the owner, lessee or occupant within the time specified in the Order that they shall:

- (a) Clean and clear up the property and to bring the property into compliance with any section of this by-law;
- (b) Repair, or remove obstructions from private drains, and ensure drainage and proper connection of private drains to storm or sewage systems of the City or otherwise provide for the sanitary disposal of sewage or drainage from the land;
- (c) clean, clear or remove from the land or structure any or all garbage, refuse, fill, inoperative motor vehicle, sewage, long grass, weed, or domestic or industrial waste of any kind;
- (d) cease using the land or structure for the dumping or disposing of garbage, refuse, used motor vehicles, motor vehicle parts, domestic or industrial waste of any kind;
- (e) clean or clear exterior walls of a building or structure, and their components free of posters which are:
 - (i) for events which have already occurred or where the message contained is unreadable, or
 - (ii) which are loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter;
- (f) Alter or relay a private drain or fill up any property or part of a property; or
- (g) Remove obstructions from watercourses.

7(2) Every Order sent by the Director of Buildings or Officer shall identify the land or structure.

8(1) The Director of Building or an officer may reasonably inspect the property or structures there, not including any structure used as a dwelling, at any reasonable time for the purpose of determining whether,

- (a) the land or structure is used for dumping or disposing of garbage, refuse fill or domestic or industrial waste of any kind;
- (b) the land or structure is used for the storage of used motor vehicles for the purpose of wrecking or dismantling them or salvaging parts thereof for sale or disposal;
- (c) the owner, lessee or occupant has complied with any Order sent by the Director of Building or an Officer; or
- (d) whether there is compliance or non-compliance with any other provision of this by-law.

8(2) Every owner or occupant shall permit the Director of Building or an officer employed, upon production of identification and the purpose of the inspection by the City, to inspect the land or structure for the purpose of subsection (1).

9(1) Where the owner, lessee or occupant does not comply with an Order under this by-law within the time specified for compliance, the Director of Building or an Officer, with such assistance by others as may be required and upon reasonable notice as may be required in one or more of the methods provided in subsection 7(1), may:

- (a) Clean or clear up a property and bring it into compliance with any section of this by-law;
- (b) Repair, maintain or remove obstructions from a private drain, and ensure drainage and proper connection of private drains to storm or sewage systems of the City or otherwise provide for the sanitary disposal of sewage or drainage from the land;
- (c) clean, clear or remove from the land or structure any or all garbage, refuse, fill, sewage, inoperative motor vehicle, long grass, weed or domestic or industrial waste of any kind;
- (d) remove used motor vehicles and other machinery, and any parts, stored for the purpose of wrecking or dismantling the materials or the salvaging parts thereof for sale or other disposal;
- (e) clean or clear exterior walls of a building or structure, and their components free of posters which are:
 - (i) for events which have already occurred or where the message contained is unreadable, or

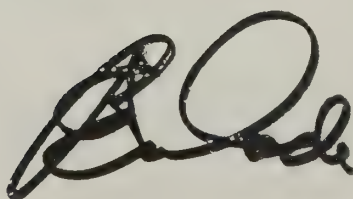
- (ii) which are loosened, dislodged, torn or otherwise in a condition that may permit them to detach and become litter;
 - (f) Alter or relay a private drain or fill up any property or part of a property; or
 - (g) Remove obstructions from watercourses.
- 9(2) Where any of the materials or things are removed in accordance with subsection (1), the matters or things may be immediately disposed of by the Director of Building, and any recovered salvage value or other actual recovery of money made upon such disposal shall be credited first against costs incurred under this section, and then if sufficient to eliminate those costs the balance shall be refunded to the person who was in possession of the materials or things prior to their removal from the land.
- 9(3) The City shall recover all costs and expenses associated with actions taken and work done to property under this section in a manner as provided by statute, whether by action or as otherwise provided, plus interest at the rate of fifteen percent per annum from the day the municipality incurs such costs and ending on the day the costs, including interest, are paid in full.
- 9(4) The Director of Building is authorized to give immediate effect to any order issued under Section 7 that has not been complied with by the owner, where the cost of doing the work to comply with the order does not exceed \$5,000.00, and where above such amount as Council may authorize.
- 9(5) Where Council for the City so directs by by-law, as an alternative to subsection 9(3) the expense, work or repairs in excess of \$5,000.00 under this by-law, shall with interest at the rate applicable in subsection 9(3) above, be payable instead by the person failing to carry out such work as required, in annual installments not exceeding ten years and the City may borrow money to cover such expense by the issue of debentures of the corporation payable in not more than ten years.
10. No person shall hinder or obstruct an Inspector, appointed under this by-law or employed to enforce this by-law, from carrying out an inspection of lands, nor shall any person obstruct any employee or agent authorized to carry out work for the City specified in an Order issued hereunder.
- 11(1) Subject to subsections (2) and (3) below, every person who contravenes any provision of this by-law, is guilty of an offence and upon conviction is liable to the fine specified in Section 61 of the Provincial Offences Act, R.S.O. 1990, Chapter P.33, as amended.

- 11(2) Subject to subsection (3) below, every person who contravenes subsections 4(1) or 4(2) of this by-law is guilty of an offence and upon conviction is subject to a fine of not more than \$10,000 for a first offence and \$25,000 for any subsequent offence of such subsections.
- 11(3) Where a corporation is convicted of an offence under subsections 4(1) or 4(2) of this by-law the maximum penalty that may be imposed on the corporation is \$50,000 for a first offence and \$100,000 for any subsequent offence of such subsections.

REPEAL AND ENACTMENT

12. By-law No. 84-35 of the former Corporation of the City of Hamilton, By-Law No. 571-99 of the former Corporation of the Township of Glanbrook, and By-Law No. 3201-90 of the former Corporation of the City of Stoney Creek, all as amended, are repealed.
13. Should a court of competent jurisdiction declare a part or whole of any provision of this By-law to be invalid or of no force and effect, the provision or part is deemed severable from this By-law, and it is the intention of Council that the remainder survive and be applied and enforced in accordance with its terms to the extent possible under the law so as to protect the public by ensuring a minimum standard for maintenance and occupancy is maintained.
14. This By-law comes into force and effect on the date of its passing and enactment.

PASSED AND ENACTED this 14th day of May, 2003



MAYOR



CITY CLERK

THE CITY OF HAMILTON

BY-LAW NO. 03-119

**Being a By-law under the Municipal Act, 1990, respecting the imposition
of Fees or Charges for Goods, Services or Activities
provided by or on behalf of the City of Hamilton**

WHEREAS Council deems it necessary to enact a by-law to set fees for goods, services, activities and certain inspections provided by the Building Division on behalf of the City of Hamilton and to provide for the recovery of costs for those goods, services, activities and inspections and to authorize consequential amendments to various by-laws;

AND WHEREAS Council deems it expedient to provide a single process for minor variances from the sign by-laws of the former area municipalities, to which a fee is applicable;

AND WHEREAS Section 220.1 of The Municipal Act, R.S.O. 1990, Chapter M.45 authorizes by-laws for imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of the municipality;

AND WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1st, 2001, the municipality "City of Hamilton";

AND WHEREAS the City of Hamilton is the successor to the following former area municipalities: The Corporation of the Town of Ancaster; The Corporation of the Town of Dundas; The Corporation of the Town of Flamborough; The Corporation of the Township of Glanbrook; The Corporation of the City of Hamilton; and the Corporation of the City of Stoney Creek; (hereinafter referred to collectively as the "former area municipalities" and individually as a "former area municipality");

AND WHEREAS the City of Hamilton Act, 1999 provides that the by-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

NOW, THEREFORE, the Council of the City of Hamilton enacts as follows:

SHORT TITLE

1. This By-law may be cited as the "Fees for Services/Activities By-law".

FEES FOR 'SERVICES/ACTIVITIES'

2. (1) The Fees and Charges set out in **Schedule 'A'** attached to and forming part of this by-law, being the Tariff of Building Fees and Charges, are hereby established for the described goods, services or activities provided, initiated, or done by or on behalf of the City of Hamilton. Where a cash security is retained by the City, the Permit holder agrees that any interest accruing on the realized cash security shall belong to the City and not to the Permit holder. Securities shall not be refunded to the Permit holder until all of the work contemplated by the security is completed to the satisfaction of the Director of Building and Licensing.
- (2) The fees and charges imposed under subsection (1) apply regardless of the goods, services or activities being performed or supplied under other by-laws or statutes, and the applicable fee or charge is due upon the request for or supply of goods, services or activities, whichever is earlier.
- (3) The applicant or property owner shall pay the applicable fee or charge as required by this by-law, and no services or activities shall be performed or undertaken, or goods supplied, unless and until the applicant or owner has paid the fees and charges set forth in this by-law to the City of Hamilton Building Division.

REPEAL, AMENDMENTS AND ENACTMENT

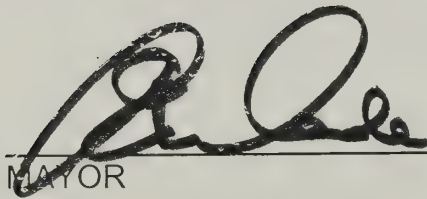
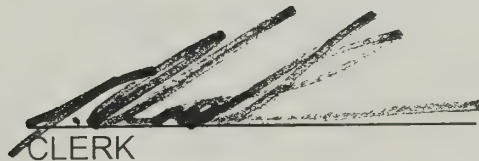
3. In furtherance of the above, the following by-laws as may be amended are hereby further amended as follows:
 - (1) Subsection 7(2) of By-law No. 79-115 (Ancaster), establishing fees for "Certificates of Compliance" is hereby repealed.
 - (2) Subsection 4.3 of Section 4 of By-law No. 95-12 (Ancaster), establishing fees for "Certificates of Compliance" is hereby repealed.
 - (3) Subsection 4(2) of By-law No. 4470-99 (Dundas), establishing fees for "Registration of Accessory Apartments" is hereby repealed.
 - (4) Clauses (c) and (d) of Section 38 of By-law No. 4478-99 (Dundas), establishing fees for "Certificates of Compliance" are hereby repealed.
 - (5) Clauses 7.4.2, 7.4.3 and 7.4.4 of Section 7 of By-law No. 80-111-P (Flamborough), establishing fees for "Certificates of Compliance" are hereby repealed.
 - (6) The four "Sewage System Assessment" fees, and the fees respecting "Zoning Verification and Work Order Letters" in Schedule "A" of "The Revenue Rate By-law", being By-law No. 94-51-R (Flamborough) as amended, are hereby repealed.

- (7) Subsection 69(2) and Schedule "B" of By-law No. 505-94 (Glanbrook), establishing fees for "Certificates of Compliance" are hereby repealed.
- (8) The fees for searching or verifying "Work Order/Zoning/Agreement Compliance", and the two fees respecting "Inspection and Written Comments for Septic Systems" of Building By-law No. 489-93 (Glanbrook) as amended by By-law No. 489-1-98 are hereby repealed.
- (9) Section 39 of By-law No. 98-243 (Hamilton), being the Property Standards By-law for Hamilton as may be amended, is hereby further amended by repealing and replacing section 39 with the following:
- "39. Certificate of Compliance
Every owner may make an application to the City for a certificate of compliance, and shall lodge the application with the Property Standards Officer."
- (10) The fee provisions in items 11(3) and 13 of Schedule "A" of By-law No. 99-073 (Hamilton) are hereby repealed.
- (11) Section 19 of By-law No. 4239-95 (Stoney Creek), being the Property Standards By-law for Stoney Creek as may be amended, is hereby further amended by repealing and replacing section 19 with the following:
- "19. Certificate of Compliance
At the request of the owner, the officer shall issue to the owner a certificate of compliance as prescribed in Schedule "B", if in the officer's opinion, the property is in compliance with the standards prescribed in this by-law. Where such certificate of compliance is issued at the request of the owner, the owner shall pay any fee required by the Electrical Safety Authority for an inspection carried out by the Authority."
- (12) Schedule "C" of By-law No. 4239-95 (Stoney Creek) is hereby repealed.
- (13) The fees for "Sewage System Assessments" in Schedule "A" of Building By-law No. 4694-98 (Stoney Creek) as amended by By-law No. 4717-98 (Stoney Creek) are hereby repealed.
- (14) Subsection 10(b) of By-law No. 3042-89 (Stoney Creek) as amended by Section 2. of By-law No. 3961-94; and Section 3. of By-law No. 3961-94 (Stoney Creek) is hereby repealed.
- (15) In all other respects the following by-laws, as amended, of the former area municipalities, are hereby confirmed without change: No. 79-115 (Ancaster), No. 95-12 (Ancaster), No. 95-50 (Ancaster), No. 4470-99 (Dundas), No. 4478-99 (Dundas), No. 3094-79 (Dundas), No. 80-111-P (Flamborough), No. 94-51-R (Flamborough), No. 97-67-S (Flamborough), No. 505-94 (Glanbrook), No. 511-94 (Glanbrook), No.

98-243 (Hamilton), No. 97-026 (Hamilton), No. 4239-95 (Stoney Creek), and No. 3042-89 (Stoney Creek).

4. In furtherance of the above, the following by-laws of the former area municipalities as may be amended, are hereby repealed: No. 4020-92 (Dundas); No. 4099-93 (Dundas); No. 4264-96 (Dundas); No. 4408-98 (Dundas); No. 99-20-R (Flamborough); No. 489-2-98 (Glanbrook); and No. 99-074 (Hamilton).
5. This by-law shall come into force and effect on the date of enactment.

ENACTED AND PASSED this 14th day of May, A.D. 2002


MAYOR
CLERK

Schedule 'A' to Bylaw No. 03-119

**Zoning Verification Certificates/
Work Order Reports**

Regular	-	\$ 80.00
Express (48 hours)	-	\$120.00

Sewage System Severance Comments

(Unserviced lot; inspection/letter)	-	\$200.00
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**Certificate of Compliance
(Inspection and Issuing Certificate)**

Single detached dwelling	-	\$220.00
Two, three or multiple unit Dwelling	-	\$220.00 plus \$30.00 for each additional dwelling unit in excess of the first
A lodging house or nursing home	-	\$220.00 plus \$20.00 per each permitted resident
All other buildings (Liquor licence)	-	\$220.00 plus \$10.00 per 100 square metres in excess of the first 100 square metres

Photocopy service

Including computer printouts	-	\$0.21 per page (Gst included)
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Computer Disks

	-	\$10.70 per disk (Gst included)
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Records searches

Including manual searches and preparation of information	-	\$8.03 for each 15 minutes (Gst included)
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Computer Programming

For developing programs or other ways of producing records from machine readable records	-	\$16.05 for each 15 minutes (Gst included)
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Blasting Permit

	-	\$100.00
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Noise By-law Exemption

For each application requesting an exemption from the noise by-law	-	\$500.00 (Non-refundable)
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Schedule 'A' to By-law No. 03-119 (continued)

Grading - Security deposit	-	\$1,000.00
Inspection Fee	-	\$ 153.00
 Discharge of Work Order		
Non-registered	-	\$ 75.00
Registered Order	-	\$220.00
 Demolition Agreement for Building Replacement		
Agreement	-	\$350.00
Security deposit/letter of credit	-	\$100.00 per square metre of building to be demolished; \$2,500.00 (Minimum), \$20,000.00 (Maximum)
 Rural Municipal Number		
Full installation by city forces	-	\$ 82.00 (Gst included)
Materials for homeowner		
Installation	-	\$ 20.00 (Gst included)
City maintenance, no materials	-	\$ 62.50 (Gst included)
City replacement, post only	-	\$ 72.00 (Gst included)
City replacement, sign only	-	\$ 52.00 (Gst included)
 Property Standards/Waste Materials and Non-Compliance with By-law Violation Issues (Various By-laws)		
First inspection	-	No Charge
Second inspection		
where violation(s) found	-	\$180.00
Subsequent inspections		
where violation(s) found	-	\$ 90.00 (each)

*** Note: Interest accruing on realized or refunded "Cash Security Deposits" shall belong to the City and shall not be the property of the permit holder.**

Authority: Item 14, Committee of the Whole
Report 01-003 (FCS01007)
CM: May 14, 2003

Bill No. 120

CITY OF HAMILTON

BY-LAW NO. 03-120

**To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking**

WHEREAS Section 210(123) of the Municipal Act, R.S.O. 1990, Chapter M.45, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating traffic on highways subject to the Highway Traffic Act;

AND WHEREAS Section 314(7) of the Municipal Act confers upon councils of all municipalities the power to enact by-laws to provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 6 (Time Limit Parking) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

"Ray	West	from 12.4m south of	2 hr	8 am – 6 pm	Mon - Fri"
		Napier to 32m southerly			

2. Schedule 8 (No Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "A" thereof the following item, namely:

"Gravel	West	from the southerly end of Gravel Pit Rd.	Anytime"
Pit Rd.		to 200m northerly	

and by adding to Section "C" thereof the following items, namely:

"Gore Rd.	Both	Lennon Rd. to 300m westerly	Anytime
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Lennon Rd.	Both	Gore Rd. to 300m southerly	Anytime"
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and by adding to Section "E" thereof the following items, namely:

"John	West	from 68.3m south of Barton to 37m southerly	Anytime
Strawberry	North	Lake to the north property line of 79 Strawberry Drive	9:00 a.m. to 4:00 p.m. Monday to Friday
Strawberry	South	Lake to the north property line of 74 Strawberry Drive	9:00 a.m. to 4:00 p.m." Monday to Friday

and by adding to Section "F" thereof the following item, namely:

"Jones Road	West	North Service Road to northerly end	Anytime"
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3. Schedule 12 (Permit Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Madison	East	from 53m north of Wilson to 4.6m northerly	Anytime
Strathearne	West	from 125.6m south of Barton to 7.9m southerly	Anytime"

and by deleting from Section "E" thereof the following item, namely:

"Charlton	North	commencing 416 feet west of Dundurn and extending 20 feet westerly therefrom	Anytime
Julian	East	commencing 266 feet south of Britannia and extending 34 feet southerly therefrom	Anytime"

4. Schedule 13 (No Stopping Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following items, namely:

"Dundurn	East	from 44.5m south of Chatham to 8m southerly	Anytime
Frid	East	Charlton to 250m northerly	Anytime
Whitney	North	from 35m east of Rifle Range to 179m easterly	8:00 a.m. to 4:00 p.m." Monday to Friday

5. Schedule 14 (Wheelchair Loading Zones) of By-law No. 01-218, as amended, is hereby further amended by adding to Section "E" thereof the following item, namely:

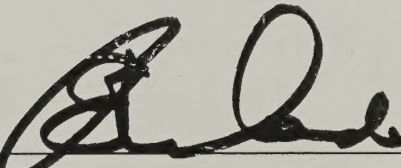
"Napier South from 38m east of Ray to 6.6m easterly Anytime"

and by deleting from Section "E" thereof the following item, namely:

"Rosslyn West 4.9m 61.6m south of Montclair 9:00 a.m. – 4:00 p.m."
Monday to Friday

6. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
7. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED and ENACTED this 14th day of May, 2003.



Mayor



City Clerk

 **ACCO USA**
WHEELING, ILLINOIS 60090
25971

MADE
IN
USA

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BLACK/NOIR/NEGRO

